



NEW HAMPSHIRE GENERAL COURT



JOURNAL of the HOUSE OF REPRESENTATIVES

containing the
1994 Session
January 5, 1994
through
June 22, 1994

HAROLD W. BURNS
SPEAKER

WARREN W. LEARY, JR.
SERGEANT-AT-ARMS

JAMES A. CHANDLER
CLERK

LEO J. CALLAHAN
ASSISTANT CLERK

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THIS HOUSE PERMANENT JOURNAL OF 1994

Dedicated to

JAMES A. CHANDLER

BORN: July 27, 1931 — DIED: March 28, 1994

Served As House Clerk 1976 to 1982 and 1988 to 1994

All who knew him called him Jim and all knew him to be an uncommon man. He was a warm friend to all who passed his door; he was a man blessed with compassion, great sensitivity, a wonderful wit and an uncanny knack for using soft words in hard situations. He was a people person with an innate ability to always see the best in everything and in everyone. He was a man of conviction and scruples. He enjoyed life to its fullest and its friendliest.

As the Clerk, he was highly regarded, noted for being fair, thorough, methodical and knowledgeable. He never hesitated to serve the membership, always with elan, always with commitment. He was the able custodian of this historic written record and his attention to its detail always ensured that each printed page was a true accounting of the body's business.

He loved his job and the legislative process; he loved the House of Representatives and all of its members, past and present; he loved the hallowed meeting hall where the membership convened to do the work of the people.

He is greatly missed by all who worked with him and called him friend.

REGULAR SESSION OF 1994

HOUSE JOURNAL No. 1

Wednesday, January 5, 1994

This day, January 5, 1994, the first Wednesday following the first Tuesday in January being the day designated by the Constitution (Art. 3rd, Part 2nd) for assembling of the second-year session of the 153rd General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 1994 House of Representatives and called the session to order at 10:00 a.m.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of new beginnings gather us now to be with You as You are with us. Deepen our passions, O God, into wisdom. Shape our knowledge into creative action. Make us vulnerable accomplices of Your hopes for the land and people of New Hampshire. And wherever we are, but especially in this place, help us to be with others as You are with us. Amen.

Rep. Leonard Smith led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Holmes, Hauck, Gagnon, O'Brien, Vaughn, Champagne, Bowers, Miller, Irene Pratt, Stewart, Rheault and Groves, the day, illness.

Reps. Ham, Battles, Kurk, Patricia Brown, Hart, Crum, Marsha Pelletier, Mason, Paula Philbrook, Hawkins, Keans, David Richards, Eaton and Lessard, the day, important business.

Rep. Franks, the day, illness in the family.

INTRODUCTION OF GUESTS

William Claffy, Larry Accord and Robert Waterman, guests of Speaker Burns. Carl Weber, guest of Rep. Wasson. Jessica Browning, Kimberly Kypriotes, Jason Pasterello, Jennifer Scott and Jonathan Gove, guests of Rep. Searles. Todd Bellanger, guest of Rep. John Flanders. Joab and Kwabena Owen, sons of Rep. Owen. Jitsuko Takagi, guest of Rep. Braiterman.

COMMUNICATIONS

September 29, 1993

James A. Chandler, House Clerk

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Thomas R. Stewart, d, Manchester (592 Cedar St.) 03103, Hills 42.

William Gardner, Secretary of State

October 4, 1993

Hon. Harold W. Burns, Speaker

On September 15th, following the vote on the capital budget veto override, I had delivered a letter to the Secretary of State, William Gardner, stating my intention to resign from the House effective September 17th. Your office has been provided with a copy of that letter.

I am writing now to clarify that letter to the Secretary. As the letter was written and delivered in advance of my resignation, ie, it was not effective immediately, I felt it necessary to indicate my intention to resign two days later. As far as I am concerned, I am no longer a member of the House, having resigned on September 17th.

Thank you for your attention to this matter.

Jennifer G. Soldati

November 3, 1993

Hon. Harold W. Burns, Speaker

I regret that I must submit my resignation from the New Hampshire House as representative from Hillsborough County District 26. My family and I are relocating to another home within Nashua in a different district on November 10, 1993.

I feel privileged to have served in the New Hampshire House for the past three years, and have enjoyed, in particular, my work on and association with the Science, Technology and Energy Committee.

Philip M. Ackerman

November 9, 1993

James A. Chandler, House Clerk

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Joan Sullens, r, Nashua (5 Kyle Dr.) 03062, Hills 33.

Margaret A. Case, r, Nottingham (PO Box 344, Raymond) 03077, Rock 2.

William Gardner, Secretary of State

December 15, 1993

Harold W. Burns, Speaker

It is with great regret that I submit to you my resignation from District Merrimack 16 of the New Hampshire House of Representatives, effective today.

I am resigning at this time so that the City of Concord will hold the special election as soon as possible and so that the citizens may be properly represented in the coming session. Thank you for your consideration.

Michael Hill, Deputy Speaker

December 22, 1993

James A. Chandler, House Clerk

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Vernon W. Mitchell, r, Concord (20 Airport Rd.) 03301, Merr 21.

William M. Gardner, Secretary of State

APPOINTMENTS

The Speaker announced the following appointments.

Majority Leader, Rep. Ann M. Torr.

Deputy Speaker, Rep. Stacey W. Cole.

Majority Whip, Rep. Shawn N. Jasper.

Assistant Majority Leader, Rep. David M. Scanlan.

Vice Chairman of Environment & Agriculture, Rep. Jeb Bradley.

Clerk of Commerce, Small Business & Consumer Affairs, Rep. John B. Hunt.

Clerk of Environment and Agriculture, Rep. Kathryn Aranda.

COMMITTEE ASSIGNMENTS

Rep. W. Gordon Allen on Commerce, Small Business and Consumer Affairs.

Rep. David C. Allison on Judiciary; off Commerce, Small Business and Consumer Affairs.

Rep. Pamela B. Bean on Legislative Administration.

Rep. Peter H. Burling on Rules; off Judiciary.

Rep. Jane A. Clemons on Ways and Means.

Rep. Margaret A. Case on Health, Human Services and Elderly Affairs.

Rep. Betsy A. Coes on Environment and Agriculture.

Rep. Stacey W. Cole on Rules; off Appropriations.

Rep. Stephanie Eaton on Public Works; off Corrections and Criminal Justice.

Rep. Shawn N. Jasper off Ways and Means.

Rep. Arthur P. Klemm on Appropriations; off Public Works.

Rep. Deborah P. McIlwaine on State and Federal Relations.

Rep. Wanda G. McNamara on Labor, Industrial and Rehabilitative Services; off Children, Youth and Juvenile Justice.

Rep. Vernon W. Mitchell on Wildlife and Marine Resources.

Rep. John F. O'Brien on State and Federal Relations; off Public Protection and Veterans Affairs.

Rep. David M. Scanlan on State-Federal Relations.

Rep. Thomas R. Stewart on Public Protection and Veterans Affairs.

Rep. Joan C. Sullens on Health, Human Services and Elderly Affairs.

Rep. Richard T. Trelfa on Environment and Agriculture and Ways and Means; off Economic Development and Municipal and County Government.

CALL OF THE ROLL

With 323 members having answered the call of the roll, a quorum was declared present.

REMARKS

Rep. Ann Torr moved that the remarks of the Speaker, Harold W. Burns, and the Democratic Leader, Rick A. Trombly, be printed in the Journal.

Adopted.

The Speaker addressed the House:

I would like to welcome you all back to the House for the 1994 session. I hope you all had a great holiday season and we are looking forward to a great new year.

Nineteen-ninety-three did not end on a happy note. We lost our exceptionally capable Majority Leader, Caroline Gross, and four other House colleagues: Dan McNerney, Lowell Apple, Maggie Terninko and Roger Laroche. They certainly will be missed.

I would like to welcome the new members of my leadership team. My new Deputy Speaker, Stacey Cole; my new Majority Leader, Ann Torr; Majority Whip, Shawn Jasper; Assistant Majority Leader, Dave Scanlan and Assistant Majority Whips Alice Record and Pam Bean.

I would now like to recognize the Democratic Leader who would like to welcome his new leadership team.

Rep. Rick A. Trombly addressed the House:

Thank you Mr. Speaker. Before I begin notifying the House of the changes on the Democratic side, I would like to congratulate you on the fine appointments that you made and wish your leadership a modicum of success only when they agree with the Democratic position. In keeping with that Mr. Speaker, at 3 o'clock today the Democratic leadership is holding a seminar for the Republican leadership on how to lose and we would like all of you to attend.

But seriously, I look forward to working with Ann and Shawn and the new members of the Republican leadership. They are fine people who have always treated us well and with respect. We will disagree on some issues but, by golly, if we can agree I think that is best for the people of the state.

To those new members, I would like to welcome you to the House on behalf of the Democrats. There are very few issues decided in this legislature that are done so on a partisan basis. Many times while we disagree in the heat of an argument, we find that we make new friends with whom we are working on a bill the very next day.

The new Democratic Whip is Peter Burling. Bill McCann is the new Assistant Whip. Amanda Merrill is Senior Assistant Democratic Leader and the new Assistant Leader is Rick Newman.

RESOLUTION

Reps. Ann Torr and Trombly offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet in Joint Convention for the purpose of hearing an address by the Governor, the Honorable Stephen Merrill.

Adopted.

SUSPENSION OF RULES

Rep. Ann Torr moved that the rules be so far suspended as to permit introduction and consideration at the present time of **HB 1577-L**, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon.

Rep. Ann Torr spoke in favor.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1577-L, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1577-L, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon. (Trelfa, Graf 2: Municipal and County Government)

Rep. Trelfa moved that **HB 1577-L**, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon be ordered to third reading.

Adopted.

SUSPENSION OF RULES

Rep. Ann Torr moved that the rules be so far suspended as to permit third reading and final passage at the present time of **HB 1577-L**, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon.

Adopted by the necessary two-thirds.

Third reading and final passage

HB 1577-L, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 40

memorializing State Representative Lowell D. Apple of Hooksett

WHEREAS, it is with great sorrow that we have learned of the death of our esteemed colleague, Lowell D. Apple, who was in the midst of his third term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, Lowell D. Apple did serve, faithfully and with integrity, his constituents of District 11 of Merrimack County, sitting with diligence on the standing committees for Corrections and Criminal Justice, State-Federal Relations, and State Institutions and Housing, and

WHEREAS, having been blessed with an abundance of community spirit, Lowell D. Apple easily found the time, energy and commitment to work on behalf of the residents of Hooksett, having served twelve years as a Selectman, including a distinguished tenure as Chairman, and

WHEREAS, Lowell D. Apple also did serve the townspeople of Hooksett as Chairman of the Sewer Commission, as President of the Parent-Teacher Organization and as a member of the Planning Board and the Zoning Board, and

WHEREAS, Lowell D. Apple was a native of Downs, Kansas and between 1946 and 1968 did serve in the United States Air Force, retiring as a Master Sergeant, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Lowell D. Apple be granted highest praise and recognition for his outstanding and dedicated legislative, community and military service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 43

memorializing State Representative Daniel P. McNerney of Goffstown

WHEREAS, the New Hampshire House of Representatives, with great sadness, has learned of the death of Daniel P. McNerney, our esteemed colleague who was serving his third term representing District 7 of Hillsborough County, and

WHEREAS, throughout his five years as an honorable Representative, Daniel P. McNerney did sit, with devotion and with keen acumen, on the standing committee for Public Works, and

WHEREAS, Daniel P. McNerney did generously give of his time, knowledge and self to the townspeople of Goffstown and did serve energetically on the Budget Committee, as Chairman of the Town Historic District Commission, and as a Trustee of Trust Funds, and

WHEREAS, on November 5 of 1993, Daniel P. McNerney did receive from the New Hampshire Association of Historic District Commissions the first annual individual Preservation Award recognizing his efforts and achievement, and

WHEREAS, Daniel P. McNerney was a native of Buffalo, New York, and from 1942 to 1962 served with distinction with the U.S. Army Corps of Engineers and from 1962 to 1972 served honorably with the U.S. Foreign Service, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Daniel P. McNerney be granted highest praise and recognition for his outstanding and dedicated legislative, community and military service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 44

memorializing State Representative Caroline L. Gross

WHEREAS, it is with grief and sadness that we have learned of the passing of Representative Caroline L. Gross, our respected Leader of the Majority Party, who was in the midst of her sixth term as an honorable member of the New Hampshire House, and

WHEREAS, throughout her outstanding civic tenure, Caroline L. Gross, at the municipal, state and national levels, easily did earn the esteem and affection of her colleagues for constantly exercising her talent for amicably bringing together opposing sides and achieving results, and

WHEREAS, Caroline L. Gross did proficiently practice the art of being able to disagree without being disagreeable, and

WHEREAS, Caroline L. Gross was an accumulator of admiration and accolades, having recently been named Legislator of the Year by the National Republican Legislators Association, recipient of the Women in Leadership Award from the New Hampshire Women's Lobby and the New Hampshire Bar Association's Award for Distinguished Service, and

WHEREAS, Caroline L. Gross, a native daughter of Laconia, never rationed her energy, her expertise, her concern when it came to her constituents and the affairs of the State, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Caroline L. Gross be granted the highest of accolades for her contributions and dedicated civic service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family, and that a suitable copy of this Resolution be prepared for presentation to her family.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1100 through 1121 and 1123 through 1576, Constitutional Amendment Concurrent Resolutions numbered 26 through 35, House Concurrent Resolutions numbered 20 through 31, House Resolutions numbered 41 and 41 and 45

through 49, House Bills of Intent numbered 20 and 21, and House Joint Resolutions numbered 20 through 22, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HRs, HBIs and HJR

First, second reading and referral

HB 1100, prohibiting the release of wolves. (G. Chandler, Carr 1; Drake, Rock 24; Dickinson, Carr 2: Wildlife and Marine Resources)

HB 1101, relative to the collection of protested checks by the department of safety. (Crotty, Hills 43; Bourque, Dist 20: Executive Departments and Administration)

HB 1102, requiring all buildings built by public funds to have pitched roofs of at least 10 degrees. (Dickinson, Carr 2: Public Works)

HB 1103, redefining the term "camp" for boys and girls. (Dickinson, Carr 2: Resources, Recreation and Development)

HB 1104, making a person who knowingly causes the death of a judicial officer guilty of capital murder. (Christie, Rock 22; Knowles, Straf 11; Malcolm, Rock 22; Barnes, Dist 17; Hollingworth, Dist 23; Russman, Dist 19: Corrections and Criminal Justice)

HB 1105, limiting the suspension of sentences. (Christie, Rock 22; Knowles, Straf 11; Malcolm, Rock 22; Russman, Dist 19: Corrections and Criminal Justice)

HB 1106, establishing the crime of sexual abuse, continuing course of conduct. (D. Sytek, Rock 26; Yennaco, Rock 27; Russman, Dist 19: Corrections and Criminal Justice)

HB 1107, making crack cocaine subject to greater penalties under the controlled drug act. (C. William Johnson, Merr 7; Russman, Dist 19: Corrections and Criminal Justice)

HB 1108, relative to the appointment of members to the northeast interstate dairy compact commission. (M. Campbell, Rock 26; L. Pratt, Coos 4: Environment and Agriculture)

HB 1109, relative to dual enrollment. (Carter, Merr 7; Yeaton, Merr 10; J. White, Hills 46; Disnard, Dist 8; Currier, Dist 7: Education)

HB 1110, relative to the qualifications and license waiver period for speech and language pathologists. (Dunn, Merr 24; Carter, Merr 7; Durham, Hills 22; Disnard, Dist 8: Health, Human Services and Elderly Affairs)

HB 1111, permitting one-day family fishing licenses upon payment of a certain fee. (Coulombe, Coos 7; Linda Smith, Belk 5: Wildlife and Marine Resources)

HB 1112, permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials. (Drake, Rock 24; Lachut, Hills 2: Wildlife and Marine Resources)

HB 1113, requiring that any claim filed under RSA 541-B be brought solely against agencies and not against officials or employees of agencies. (Lown, Hills 14; Record, Hills 27: Judiciary)

HB 1114, relative to child support enforcement orders. (Woods, Rock 25: Children, Youth and Juvenile Justice)

HB 1115, making a violation of RSA 205-A:2 an unfair trade practice. (B. Packard, Hills 19: Commerce, Small Business and Consumer Affairs)

HB 1116, relative to the release of health care data. (Copenhaver, Graf 10: Health, Human Services and Elderly Affairs)

HB 1117, relative to new motor vehicle arbitration. (B. Packard, Hills 19: Commerce, Small Business and Consumer Affairs)

HB 1118, eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glencliff home for the elderly be determined in accordance with the administrative procedure act. (LaMott, Graf 5: Appropriations)

HB 1119, authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus. (LaMott, Graf 5: Public Works)

HB 1120-L, making procedural and housekeeping changes regarding the board of tax and land appeals. (Schotanus, Sull 3; Hough, Dist 5: Municipal and County Government)

HB 1121, repealing the standardbred breeders and owners development agency. (M. Campbell, Rock 26; L. Pratt, Coos 4: Environment and Agriculture)

HB 1123-FN, relative to membership in group II of the New Hampshire retirement system and employment with the police standards and training council. (J. Flanders, Rock. 18: Executive Departments and Administration)

HB 1124, extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county. (Murphy, Hills 42; C. William Johnson, Merr 7; D. Sytek, Rock 26; J. King, Dist. 18: Judiciary)

HB 1125, permitting collection agencies to accept assignment of debts. (Bill Johnson, Rock 17: Commerce, Small Business and Consumer Affairs)

HB 1126, making an assault upon a peace officer a class B felony. (Stritch, Rock 5: Corrections and Criminal Justice)

HB 1127, requiring timely mailing of payments or remittances relating to tax liens and tax sales, tax lien and tax sale redemptions, and payments of subsequent taxes. (W. Riley, Ches 7: Municipal and County Government)

HB 1128, revising the selection process for the board of education. (Hemon, Straf 11; St. Martin, Rock 6: Executive Departments and Administration)

HB 1129, establishing a committee to study reducing the number of state classified and unclassified positions. (Morello, Hills 38; A. Brown, Graf 9: Executive Departments and Administration)

HB 1130, relative to the qualifications for a state representative to hold office. (Vaughn, Rock 35: Constitutional and Statutory Revision)

HB 1131, making all case or court records of the division for children and youth services open to the public. (Hemon, Straf 11: Children, Youth and Juvenile Justice)

HB 1132, relative to the failure to renominate or reelect teachers. (C. Jean, Hills 32; D. Cote, Hills 29: Education)

HB 1133, allowing organization members' spouses to assist at bingo games. (Searles, Hills 23; R. Kelley, Hills 18; Lessard, Hills 23; J. King, Dist. 18: Regulated Revenues)

HB 1134, increasing the penalty for criminal threatening and reckless conduct with a firearm. (Christie, Rock 22; Knowles, Straf 11; Barnes, Dist 17; Hollingworth, Dist 23; Russman, Dist 19: Corrections and Criminal Justice)

HB 1135, granting marital masters limited powers to impose penalties for contempt. (Lown, Hills 14; Record, Hills 27; Newman, Rock 4: Judiciary)

HB 1136, repealing the requirement that hunters expose the carcass of deer. (Wadsworth, Graf 14: Wildlife and Marine Resources)

HB 1137, permitting the use of arrows without the name and address of the owner. (Wadsworth, Graf 14: Wildlife and Marine Resources)

HB 1138-FN-L, allowing free parking for jurors serving at regional jury trial courts. (Murphy, Hills 42; C. William Johnson, Merr 7; D. Sytek, Rock 26; J. King, Dist 18: Municipal and County Government)

HB 1139-FN-L, allowing any individual under 18 years of age access to high school equivalency (GED) testing. (Kennedy, Merr 7; Cogswell, Carr 5: Education)

HB 1140-FN, expanding activities permitted under special hunting licenses for persons 68 years of age or older. (L'Heureux, Hills 18; Boucher, Rock 29; A. Wiggin, Carr 9; Coulombe, Coos 7; McGuirk, Ches 1: Wildlife and Marine Resources)

HB 1141-FN-A, eliminating cigarette stamps. (Cowenhoven, Hills 14; McLane, Dist 15: Ways and Means)

HB 1142-FN, relative to lenders regulated by the banking department, relative to consumer credit transactions, and adjusting certain financial services fees. (B. Packard, Hills 19: Commerce, Small Business and Consumer Affairs)

HB 1143, increasing the penalties for illegal clamming. (Drake, Rock 24; Mock, Carr 3: Wildlife and Marine Resources)

HB 1144-FN, permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee. (Drake, Rock 24; Douglass, Straf 16: Wildlife and Marine Resources)

HB 1145-FN, relative to cashers of checks and issuers of money orders and setting certain fees. (B. Packard, Hills 19: Commerce, Small Business and Consumer Affairs)

HB 1146-FN-L, relative to climate control upgrades for year-round schools. (Skinner, Rock 27; Carter, Merr 7; Searles, Hills 23; Disnard, Dist 8: Education)

HB 1147-FN, relative to parental liability for support of dependent children on public assistance. (Woods, Rock 25: Children, Youth and Juvenile Justice)

HB 1148-FN-A, to exempt certain individuals from the payment of the tax on interest and dividends. (Gorman, Rock 8: Ways and Means)

HB 1149, to require prompt public notification of radioactive releases and other safety related events at nuclear power plants. (K. Pratt, Rock 22; O'Keefe, Rock 21; Christie, Rock 22; V. Clark, Rock 15; Woods, Rock 25: Science, Technology and Energy) .

HB 1150, requiring a financial institution to allow an applicant for a mortgage loan to select an appraisal firm from a list of firms supplied by the institution. (F. Torr, Straf 12: Commerce, Small Business and Consumer Affairs)

HB 1151, prohibiting the use of certain motorized craft on the ice or open waters of Spoonwood Pond in the towns of Nelson and Hancock. (W. Riley, Ches 7; Amidon, Hills 9: Resources, Recreation and Development)

HB 1152, requiring insurance companies to give discounts to drivers over 55 years who complete an approved driver safety course. (McCarty, Hills 38; Pfaff, Merr 11; K. Rogers, Merr 22; Cole, Ches 11; F. Riley, Hills 44; Ahern, Hills 38; Podles, Dist 16; Blaisdell, Dist 10: Commerce, Small Business and Consumer Affairs)

HB 1153-FN, adopting the revised Uniform Enforcement of Foreign Judgments Act. (Lown, Hills 14; Record, Hills 27; Podles, Dist 16: Judiciary)

HB 1154, extending the "lemon law" to include recreational vehicles. (Robertson, Ches 18; Klemarczyk, Rock 20; Kruse, Rock 26; Peyron, Sull 4; Blaisdell, Dist 10: Commerce, Small Business and Consumer Affairs)

HB 1155, establishing a committee to study the economic feasibility of the sale of state signs and other related state items. (Franks, Hills 26; Trelfa, Graf 2: Economic Development)

HB 1156, allowing the school board to provide transportation to certain pupils when directed by a vote of the school district meeting. (Chester, Rock 20: Education)

HB 1157, extending the time for a motion for rehearing under RSA 541. (Chester, Rock 20: Judiciary)

HB 1158, relative to the state's policy regarding the review and assessment of new health services. (R. Foster, Carr 10: Health, Human Services and Elderly Affairs)

HB 1159, requiring manufactured housing park owners to compensate residents for relocation costs due to change in land use of the park. (Hurst, Rock 22: Commerce, Small Business and Consumer Affairs)

HB 1160, requiring certain questions pertaining to gambling to be included on the official ballot for the 1994 state general election. (B. Moore, Rock 21: Constitutional and Statutory Revision)

HB 1161, relative to the authority of the state to regulate political advertising which is broadcast. (D. Sytek, Rock 26: Constitutional and Statutory Revision)

HB 1162-FN, authorizing the department of environmental services, division of water resources, to acquire certain dams. (McKinley, Straf 2; Nehring, Straf 1; Spear, Straf 5; MacDonald, Dist 3: Resources, Recreation and Development)

HB 1163, relative to state immunity on land opened for recreational uses. (Lown, Hills 14; Record, Hills 27; Podles, Dist 16: Judiciary)

HB 1164, requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody. (Lown, Hills 14; Record, Hills 27; Podles, Dist 16: Judiciary)

HB 1165-L, repealing requirements for a census of disabled students. (Tate, Hills 23; Carter, Merr 7; Durham, Hills 22; Disnard, Dist 8: Education)

HB 1166, relative to minutes and decisions of nonpublic sessions under the right to know law. (L'Heureux, Hills 18; R. Kelley, Hills 18; Dodge, Hills 18; Holden, Hills 14; Calawa, Hills 17; Roberge, Dist 9: Judiciary)

HB 1167, relative to electing the county commissioners for Belknap county. (Dewhirst, Belk 7; Turner, Belk 7; C. Johnson, Belk 1; Linda Smith, Belk 5; Bartlett, Belk 6; Rosen Belk 7: Municipal and County Government)

HB 1168, eliminating the requirement that any person applying for a mooring permit furnish the director of safety services with proof of a boat registration or boat ownership. (Andrews, Hills 34: Resources, Recreation and Development)

HB 1169, relative to the membership of the aviation users advisory board. (Weyler, Rock 18; Milligan, Hills 18; Rubin, Rock 25; A. Smith, Rock 26; Kennedy, Merr 7: Executive Departments and Administration)

HB 1170, allowing patients at Friendship House in Bethlehem to fish without a license. (C. Johnson, Belk 1: Wildlife and Marine Resources)

HB 1171, relative to the requirements for submission of plans for sewage or waste disposal systems. (J. Chandler, Merr 1: Resources, Recreation and Development)

HB 1172, prohibiting employees of the liquor commission from holding elected state and local offices. (Pageotte, Straf 14; Whittemore, Merr 13: Executive Departments and Administration)

HB 1173, prohibiting a right turn on red when a walk signal is on. (Milligan, Hills 18; Dodge, Hills 18; L'Heureux, Hills 18; R. Kelley, Hills 18; Rothhaus, Hills 18: Transportation)

HB 1174-L, allowing the selectmen, under certain circumstances, to manage town real property. (P. Bradley, Coos 6: Municipal and County Government)

HB 1175, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. (Houlahan, Merr 2: Public Protection and Veterans Affairs)

HB 1176-FN, requiring a writ of habeas corpus to be filed in the superior court of the county in which the person is incarcerated. (Lown, Hills 14; Record, Hills 27; Podles, Dist 16: Judiciary)

HB 1177, establishing an advisory committee on child care. (Wallner, Merr 24: Children, Youth and Juvenile Justice)

HB 1178-FN, relative to licenses to carry loaded pistols and revolvers. (Houlahan, Merr 2: Public Protection and Veterans Affairs)

HB 1179, relative to the information required in agency requests for appropriations during the budget preparation process. (C. Brown, Graf 14: Appropriations)

HB 1180, modifying the arson statutes to include wooden covered bridges and increasing the penalty. (Mock, Carr 3; Burling, Sull 1; Dickinson, Carr 2; Mittelman, Hills 37; G. Chandler, Carr 1: Public Protection and Veterans Affairs)

HB 1181, relative to oral authorizations for interceptions of communications in certain emergencies. (Mock, Carr 3: Judiciary)

HB 1182, defining "government entity" with regard to liability of volunteers of government entities. (J. Chandler, Merr 1; Burling, Sull 1: Judiciary)

HB 1183-FN-L, providing a 5 percent cost of living adjustment for teacher members of the retirement system. (Pearson, Ches 17: Executive Departments and Administration)

HB 1184-FN-L, allowing towns which contract with other school districts for their resident high school students to be exempt from paying the tuition costs for foreign exchange students. (O'Brien, Straf 4; Newman, Rock 4; W. Riley, Ches 7: Education)

HB 1185, relative to the registration of pesticides. (B. Hall, Hills 20; Musler, Straf 6: Environment and Agriculture)

HB 1186, making a breach of confidentiality a violation of oath of office for town officers. (Nordgren, Graf 10; Fuller Clark, Rock. 31: Municipal and County Government)

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature. (Lozeau, Hills 30; P. Philbrook, Hills 30: Commerce, Small Business and Consumer Affairs)

HB 1188, increasing the penalty for killing a police dog or police horse. (Putnam; Rock 15: Corrections and Criminal Justice)

HB 1189, establishing a study committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act. (J. Bradley, Carr 8; A. Merrill, Straf 8; Aranda, Rock 13; Gilmore, Straf 11; Burnham, Ches 8; Russman, Dist 19: Environment and Agriculture)

HB 1190, authorizing the state prison to notify the victim of a sexual assault that the perpetrator tested positive for the HIV virus. (Lozeau, Hills 30; Burling, Sull 1; P. Philbrook, Hills 30; Russman, Dist 19: Health, Human Services and Elderly Affairs)

HB 1191-FN, relative to victims' rights in sentencing hearings and the victims' compensation fund. (Lozeau, Hills 30; Burling, Sull 1; Palmer, Sull 11; Russman, Dist. 19: Judiciary)

HB 1192, establishing a committee to study the issue of the elderly and the cost of prescription drugs. (Hilliard, Straf 14; Toomey, Hills 30: Health, Human Services and Elderly Affairs)

HB 1193, amending the charter of St. Mary's Bank. (Turgeon, Hills 47: Commerce, Small Business and Consumer Affairs)

HB 1194-FN, relative to the board of accountancy and related professional fees. (Fillion Merr 17: Commerce, Small Business and Consumer Affairs)

HB 1195-FN-L, consolidating the pari-mutuel commission and sweepstakes commission into a gambling commission. (Burling, Sull 1; D. Cote, Hills 29: Executive Departments and Administration)

HB 1196-FN, changing the composition of the liquor commission. (Burling, Sull 1; D. Cote, Hills 29; Palmer, Sull 11: Regulated Revenues)

HB 1197-FN, transferring the responsibility for public rest areas from the department of transportation to the office of vacation travel. (Dickinson, Carr 2: Public Works)

HB 1198-FN, waiving the filing fee for any petition to the superior court alleging a violation of the state right-to-know law. (Kurk, Hills 5: Judiciary)

HB 1199, relative to state referendum questions on proposed changes in the New Hampshire house of representatives. (Teague, Merr 20; Weeks, Merr 24; Yeaton, Merr 10; Caswell, Rock 19; Hilliard, Straf 14; Guest, Graf 10; Newland, Merr 15; O'Brien, Straf 4: Constitutional and Statutory Revision)

HB 1200-FN, relative to compensation paid for property taken by eminent domain in New Hampshire. (B. Johnson, Rock 17: Judiciary)

HB 1201-FN, relative to a companion animal population control fee for cats. (Cole, Ches 11; R. Hill, Graf 1; Coes, Rock 19; L. Foster, Hills 10; Roberge, Dist 9: Municipal and County Government)

HB 1202, relative to rules in manufactured housing parks. (Lozeau, Hills 30; Philbrook, Hills 30: Commerce, Small Business and Consumer Affairs)

HB 1203-FN, making technical amendments to the banking laws. (B. Packard, Hills 19: Commerce, Small Business and Consumer Affairs)

HB 1204-FN, establishing a procedure for the acquisition, condemnation, or removal of dams to be followed by the department of environmental services, division of water resources. (Harwell, Coos 7: Resources, Recreation and Development)

HB 1205-FN, licensing commercial animal boarding facilities and establishing fees for such licensure. (V. Clark, Rock 15: Environment and Agriculture)

HB 1206, relative to the procedure to follow when an optional elected town office is discontinued. (Stone, Rock 7; Barnes, Dist 17: Municipal and County Government)

HB 1207-FN, relative to the administration of small estates. (Nichols, Merr 2; J. Johnson, Merr 8; McLane, Dist 15: Judiciary)

HB 1208, creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters. (Malcolm, Rock 22; Christie of Rock 22: Transportation)

HB 1209-FN, relative to administrative motor vehicle suspensions. (Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1210, requiring cooperative school districts to base part of their costs on a town's valuation. (Avery, Ches 8; Burnham, Ches 8; Royce, Ches 9: Education)

HB 1211, allowing the adoption of bylaws relative to the maintenance and operation of municipal water departments. (Nordgren, Graf 10; M. Fuller Clark, Rock 31: Science, Technology and Energy)

HB 1212-FN, revising the special education provisions relating to mediation. (Carter, Merr 7; Tate, Hills 23; Disnard of Dist 8: Education)

HB 1213-FN-A, appropriating funds to the state commission for human rights for the purpose of hiring temporary help. (Buckley, Hills 44; D. Cote, Hills 29; Soucy, Hills 42: Appropriations)

HB 1214-FN, relative to driver safety at highway construction sites. (LaMott, Graf 5; Schotanus, Sull 3; Pfaff, Merr 11: Transportation)

HB 1215-FN-L, establishing 400 separate districts for the election of state representatives and renumbering state representative districts. (Gilmore, Straf 11: Constitutional and Statutory Revision)

HB 1216, allowing the exclusion of certain corporate officers and members of limited liability companies from workers' compensation coverage. (Cogswell, Carr 5: Labor, Industrial and Rehabilitative Services)

HB 1217-FN-L, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges. (G. Chandler, Carr 1; E. Smith, Ches 6; Keans, Straf 16; MacDonald, Dist 3: Public Works)

HB 1218-FN-L, establishing maximum class sizes as currently specified in rules of the state board of education. (A. Pelletier, Straf 12: Education)

HB 1219, requiring that state publications be written and printed in English. (Weyler, Rock 18; Raynowska, Rock 26: Executive Departments and Administration)

HB 1220, requiring utility companies to connect service in a property owner's name during certain months. (K. Pratt, Rock 22; Malcolm, Rock 22: Science, Technology and Energy)

HB 1221-L, prohibiting the taking of game on Sundays and enabling a municipality to adopt ordinances relative to certain hunting practices in its community. (Loder, Straf 8; Hambrick, Straf 7: Wildlife and Marine Resources)

HB 1222, requiring that recounts of certain secret ballot votes take place at the town or school district meeting. (Welch, Rock 18: Constitutional and Statutory Revision)

HB 1223, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. (Cloutier, Sull 8; J. Kane, Sull 11; Copenhagen, Graf 10; Klemarczyk, Rock 20; R. Foster, Carr 10: Transportation)

HB 1224-FN-L, authorizing the governor to include or remove counties from the emissions inspection and maintenance program. (Houlahan, Merr 2; Kennedy, Merr 7; Fenton, Hills 24: Environment and Agriculture)

HB 1225, relative to access to medical care. (Groves, Rock 22; Gilmore, Straf 11; E. Moore, Hills 6; Lown, Hills 14; Larson, Graf 8; Cohen, Dist 24; Shaheen, Dist 21; Russman, Dist 19; Hough, Dist 5: Judiciary)

HB 1226, relative to filling vacancies on the county executive committee. (D. Sytek, Rock 26; Flanagan, Rock 14; Welch, Rock 18: Municipal and County Government)

HB 1227, allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts. (Knowles, Straf 11; Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1228, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and continuing the fee for a copy of a burial record. (Williamson, Rock 3; Kurk, Hills 5; Ziegra, Belk 5; Lovejoy, Rock 12; Barnes, Dist 17: Municipal and County Government)

HB 1229, prohibiting municipalities from limiting the terms of their local officials. (A. Pelletier, Straf 12; Hemon, Straf 11: Municipal and County Government)

HB 1230, relative to the residency requirement for elderly exemptions from the property tax. (Hunter, Hills 7: Municipal and County Government)

HB 1231, requiring the state of New Hampshire to designate an area on the statehouse grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial. (D. Sytek, Rock 26; Welch, Rock 18; Mock, Carr 3; Christie, Rock 22; Gosselin, Hills 45; Yennaco, Rock 27; MacDonald, Dist 3; Russman, Dist 19: Public Works)

HB 1232, prohibiting annulments for certain crimes. (D. Sytek, Rock 26; Yennaco, Rock 27: Corrections and Criminal Justice)

HB 1233, making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments. (Allen, Hills 1: Labor, Industrial and Rehabilitative Services)

HB 1234, allowing condominium unit owners to post "for sale" or "for lease" signs inside their condominium. (Lundborn, Straf 18: Commerce, Small Business and Consumer Affairs)

HB 1235, requiring an HIV test upon a third or subsequent conviction of prostitution. (Pepino, Hills 40; Welch, Rock 18: Health, Human Services and Elderly Affairs)

HB 1236, prohibiting the use of chemical self-defense spray against a peace officer or in the course of committing a crime. (Pepino, Hills 40; Bove, Rock 29; Gilmore, Straf 11; Welch, Rock 18: Public Protection and Veterans Affairs)

HB 1237, making interference with the duty of a probation or parole officer a crime. (Knowles, Straf 11; Gorman, Rock 8: Corrections and Criminal Justice)

HB 1238-L, relative to time computation for purposes of statutory construction. (R. Wheeler, Hills 7: Constitutional and Statutory Revision)

HB 1239, requiring peace officers to be trained in assisting sexual assault victims and giving the state police jurisdiction in certain sexual assault offenses. (I. Pratt, Ches 5; Richardson, Ches 12; Mayhew, Coos 2; Woods, Rock 25; McLane, Dist 15: Public Protection and Veterans Affairs)

HB 1240, permitting a person to have contact with water in a public water supply when taking a boat in or out of a great pond and when there is a safety issue concerning the boat. (C. Cote, Rock 11: Resources, Recreation and Development)

HB 1241, relative to the submission and approval of plans and specifications for sewage disposal systems. (Ham, Graf 4: Resources, Recreation and Development)

HB 1242, establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire. (Rosen, Belk 7; McRae, Hills 7; A. Pelletier, Straf 12; Owen, Merr 6; MacDonald, Dist 3: Science, Technology and Energy)

HB 1243, requiring "johns" to publish their convictions in local newspapers. (Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1244, repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act. (Lozeau, Hills 30: Judiciary)

HB 1245, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance. (Avery, Ches 8: Regulated Revenues)

HB 1246, relative to ballot access for political parties. (Gorman, Rock 8: Constitutional and Statutory Revision)

HB 1247, allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances. (Christie, Rock 22; Knowles, Straf 11; Barnes, Dist 17; MacDonald, Dist 3; Russman, Dist 19: Corrections and Criminal Justice)

HB 1248, prohibiting a buyer's premium at certain auctions in New Hampshire. (M. Hawkinson, Coos 7: Commerce, Small Business and Consumer Affairs)

HB 1249, relative to reporting diseases which may threaten the integrity of the blood supply. (Houlahan, Merr 2: Health, Human Services and Elderly Affairs)

HB 1250, requiring that any person who is authorized to treat water at a water treatment plant be certified as an operator. (Greenberg, Hills 18: Resources, Recreation and Development)

HB 1251, relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits. (Skinner, Rock 27; Turner, Belk 7: Labor, Industrial and Rehabilitative Services)

HB 1252, allowing mail claims in certain instances in filing for unemployment compensation and relative to disqualification for benefits due to self-employment. (Skinner, Rock 27; Turner, Belk 7: Labor, Industrial and Rehabilitative Services)

HB 1253, permitting awards of enhanced damages in civil suits against intoxicated drivers. (Hambrick, Straf 7: Judiciary)

HB 1254, relative to sentencing and removing the limitation on uncompensated public service. (Knowles, Straf 11: Corrections and Criminal Justice)

HB 1255, making technical amendments to the limited liability company laws. (Mercer, Hills 27; Syracuse, Rock 33: Judiciary)

HB 1256, making changes in probate court procedures regarding estate administration. (Knowles, Straf 11: Judiciary)

HB 1257, relative to the public use of beaches. (Dickinson, Carr 2; Drake, Rock 24; Vaughn, Rock 35: Resources, Recreation and Development)

HB 1258, establishing a committee to study the use of tax credits to aid in job creation. (Splaine, Rock 36: Ways and Means)

HB 1259, relative to filling a vacancy for an unexpired term in the office of selectman. (Salatiello, Belk 2; Linda Smith, Belk 5; MacDonald, Dist 3: Municipal and County Government)

HB 1260-FN-L, repealing the authority to use local property tax revenue to fund education and creating a committee to study the financing of public education. (D. Hall, Merr 10; Teague, Merr 20; K. Wheeler, Straf 8; Weeks, Merr 24; Allison, Sull 10; McLane, Dist 15: Ways and Means)

HB 1261-FN, requiring that no public water access areas shall be constructed without the preliminary approval of the public water access advisory board. (Dickinson, Carr 2; Bonneau, Ches 2; Boucher, Rock 29; A. Wiggin, Carr 9; Stamatakis, Sull 5: Resources, Recreation and Development)

HB 1262-FN, relative to the compensation for medical, hospital, and remedial care under workers' compensation. (C. Jean, Hills 32: Labor, Industrial and Rehabilitative Services)

HB 1263-FN, authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority. (Rodeschin, Sull 4: Science, Technology and Energy)

HB 1264-FN, increasing the membership of the board of barbering, cosmetology and esthetics. (C. Moore, Merr 19: Executive Departments and Administration)

HB 1265-FN-L, allowing city treasurers to invest money belonging to the city in certain investment instruments. (Cepaitis, Hills 33; Pignatelli, Dist 13: Municipal and County Government)

HB 1266-FN, prohibiting the seizure of property by the fish and game department unless the item is to be used as evidence. (C. Cote, Rock 11: Wildlife and Marine Resources)

HB 1267-FN, prohibiting the department of fish and game from imposing any penalty on a person greater than that ordered by a court. (C. Cote, Rock 11: Wildlife and Marine Resources)

HB 1268-FN-A-L, relative to widening and adding traffic signals to certain portions of United States Route 3 and making an appropriation therefor. (Whittemore, Merr 13; J. Johnson, Merr 8; Carrier, Dist 7: Public Works)

HB 1269-FN-L, licensing operators of manufactured housing parks and relative to fees for such licensure. (Ham, Graf 4: Commerce, Small Business and Consumer Affairs)

HB 1270-FN-L, revising the school money laws and setting forth a school budget act. (Larson, Graf 8; Carter, Merr 7; Shaheen, Dist 21: Education)

HB 1271-FN, eliminating southbound tolls at exits 10, 11 and 12 on the Everett turnpike. (Greenberg, Hills 18: Public Works)

HB 1272-FN, requiring the pari-mutuel commission to pay for laboratory urine tests from a special escrow account. (R. Hawkins, Belk 3: Regulated Revenues)

HB 1273-FN, prohibiting the department of transportation from rejecting a competitive bid for a capital project because the bid includes the use of recycled rubber for paving material. (R. Hawkins, Belk 3: Public Works)

HB 1274-FN, changing the name of the department of fish and game to the department of wildlife and marine resources. (Linda Smith, Belk 5; Salatiello, Belk 2: Wildlife and Marine Resources)

HB 1275-FN, relative to filing fees for certain charitable corporations. (Malcolm, Rock 22; Wheeler, Dist 11: Commerce, Small Business and Consumer Affairs)

HB 1276-FN, establishing a quality management council for state government. (Malcolm, Rock 22; Syracuse, Rock 33: Executive Departments and Administration)

HB 1277, allowing a grace period in which old registration plates may be valid prior to required new registration. (Ham, Graf 4: Transportation)

HB 1278-FN-A, making an appropriation to fund the position of state curator. (Calawa, Hills 17; Fuller Clark, Rock 31; Sallada, Hills 4: Appropriations)

HB 1279-L, relative to taxpayer inventory forms and procedures. (Langer, Merr 11; Rose, Graf 12; Noyes, Rock 26; Beaulieu, Rock 10: Municipal and County Government)

HB 1280, relative to requiring identifying information and credibility verification regarding the reporter and reports, and revising certain definitions in the child protection act. (Moncrief, Hills 13: Children, Youth and Juvenile Justice)

HB 1281, raising the burden of proof to support allegations under the child protection act. (Moncrief, Hills 13: Children, Youth and Juvenile Justice)

HB 1282, allowing coyote hunting at night. (Pfaff, Merr 11: Wildlife and Marine Resources)

HB 1283, relative to transporting trash and scrap metal. (Wall, Straf 9; Hart, Hills 37; Hambrick, Straf 7; Hashem, Straf 6; Battles, Rock 18: Transportation)

HB 1284, increasing the penalties for illegal moose hunting. (L. Jean, Hills 17; Boucher, Rock 29; Drake, Rock 24; L'Heureux, Hills 18; Calawa, Hills 17; Linda Smith, Belk 5: Wildlife and Marine Resources)

HB 1285-FN-L, establishing contract limitations for the disposal of solid waste. (Lee, Rock 13; Owen, Merr 6; Philbrick, Carr 4; Hauck, Belk 4: Environment and Agriculture)

HB 1286-FN, establishing a board of real property inspectors, requiring the licensing of inspectors, and setting certain fees. (Hutchinson, Rock 29; Pullman, Rock 13; S. Packard, Rock 29: Executive Departments and Administration)

HB 1287, relative to exemption of pension money and retirement or profit-sharing benefits from the trustee process. (A. Torr, Straf 12; Lovejoy, Dist 6: Judiciary)

HB 1288, establishing a state advisory and oversight committee on the education of children with disabilities. (Tate, Hills 23; Carter, Merr 7; Disnard, Dist 8: Education)

HB 1289-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program. (D. Sytek, Rock 26; Yennaco, Rock 27: Legislative Administration)

HB 1290-FN, changing the salary of the deputy bank commissioner and removing the bank commissioner as an ex officio voting member of the New Hampshire retirement system board of trustees. (B. Packard, Hills 19: Executive Departments and Administration)

HB 1291, limiting the jurisdiction over estates and guardianships by the probate courts. (W. McCann, Straf 11: Judiciary)

HB 1292, requiring certain disclosure during recruitment by multi-level or network marketing businesses. (Hurst, Rock 22; Plourde, Hills 39; Hemon, Straf 11: Commerce, Small Business and Consumer Affairs)

HB 1293, amending the charter of the Union school district of Keene. (Champagne, Ches 19: Education)

HB 1294, extending the termination date of the lifesaver i.d. pilot program and expanding the funding mechanism. (Lefebvre, Hills 31: Transportation)

HB 1295-FN, establishing a department of natural resources. (Dickinson, Carr 2; Scanlan, Graf 11; Currier, Dist 7; W. King, Dist 2: Executive Departments and Administration)

HB 1296, establishing a committee to examine and introduce legislation consolidating the county departments of corrections with the state department of corrections. (Burling, Sull 1: Corrections and Criminal Justice)

HB 1297-FN, relative to adding statements of original intent to bills and resolutions. (Hunter, Hills 7; W. Boucher, Rock 29; L. Jean, Hills 17; D. Welch, Rock 18; Fenton, Hills 24; Rubin, Rock 25: Legislative Administration)

HB 1298, prohibiting a legislator from becoming a lobbyist until 2 years after the expiration of the legislator's term. (C. Brown, Graf 14; Malcolm, Rock 22; Nardi, Hills 39; Hollingworth, Dist 23: Legislative Administration)

HB 1299-FN, permitting the department of revenue administration, with the approval of the joint legislative fiscal committee, to obtain office and working space. (F. Torr, Straf 12: Appropriations)

HB 1300-FN-A, requiring the state to pay the cost of superior court bailiffs and making an appropriation therefor. (Mock, Carr 3; Hart, Hills 37; G. Chandler, Carr 1; Lyman, Carr 5; MacDonald, Dist 3: Appropriations)

HB 1301, changing the notification deadline for teachers who are not renominated or re-elected. (Snyder, Straf 14; W. McCann, Straf 11: Education)

HB 1302-L, making aircraft operating areas subject to property taxation on the basis of current use. (Weyler, Rock 18; Aranda, Rock 13; P. Bradley, Coos 6; Milligan, Hills 18; Pullman, Rock 13; Wasson, Straf 10: Municipal and County Government)

HB 1303, permitting the recording of communications with one party's consent and establishing a study committee to study the admissibility of lawfully acquired communications. (R. Campbell, Belk 4: Judiciary)

HB 1304, allowing animal shelter facilities to use foster homes. (P. Katsakiores, Rock 13: Environment and Agriculture)

HB 1305, prohibiting the use of state moneys, or voucher or similar payment programs, to pay for nonpublic school education. (A. Pelletier, Straf 12: Education)

HB 1306, prohibiting term limitations for state senators and state representatives. (A. Pelletier, Straf 12; Hemon, Straf 11: Constitutional and Statutory Revision)

HB 1307, prohibiting a person from holding an elected or appointed municipal and county office at the same time. (A. Pelletier, Straf 12: Municipal and County Government)

HB 1308-FN-A, establishing a committee to review all aspects of New Hampshire's participation and the operation of the New Hampshire building at the Eastern States Exposition and making an appropriation therefor. (Malcolm, Rock 22; Teschner, Graf 5: Environment and Agriculture)

HB 1309, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops. (Malcolm, Rock 22; Russman, Dist 19: Commerce, Small Business and Consumer Affairs)

HB 1310-L, permitting municipalities to take land by eminent domain for conservation purposes. (K. Pratt, Rock 22; Malcolm, Rock 22; Groves, Rock 22: Municipal and County Government)

HB 1311-FN, prohibiting term limitations for members of the United States Congress from New Hampshire. (A. Pelletier, Straf 12; Hemon, Straf 11: State-Federal Relations)

HB 1312, prohibiting wholesalers from delivering beer in kegs to the general public. (Lynch, Ches 19; Robertson, Ches 18: Regulated Revenues)

HB 1313-FN, requiring the department of safety to issue an automotive recycling dealer with 3 sets of number plates or as many as such person may require. (G. Katsakiores, Rock 13; S. Packard, Rock 29; Malcolm, Rock 22; Podles, Dist 16; Disnard, Dist 8: Transportation)

HB 1314-FN-A-L, to abolish the collection of tolls along state highways and to increase the gasoline tax. (Rothhaus, Hills 18: Public Works)

HB 1315, relative to annulments of criminal records of persons who have served a term of imprisonment. (Stamatakis, Sull 5: Corrections and Criminal Justice)

HB 1316, prohibiting discrimination based on genetic characteristics. (Below, Graf 13; Groves, Rock 22; K. Wheeler, Straf 8: Judiciary)

HB 1317, relative to bad checks. (Rubin, Rock 25; Woods, Rock 25: Corrections and Criminal Justice)

HB 1318, relative to reporting requirements for elected officials. (D. Sytek, Rock 26; Yennaco, Rock 27; Gilmore, Straf 11; Colantuono, Dist 14; Shaheen, Dist 21: Constitutional and Statutory Revision)

HB 1319-FN-A-L, requiring the state to fully fund the Augenblick formula by FY 1996. (Burling, Sull 1; A. Merrill, Straf 8; D. Cote, Hills 29; Palmer, Sull 11; Larson, Graf 8: Appropriations)

HB 1320, regulating commerce pertaining to consumer transactions involving credit reporting agencies. (B. Packard, Hills 19; Mittelman, Hills 37: Commerce, Small Business and Consumer Affairs)

HB 1321-FN, establishing a dining room bar liquor license and license fee. (Below, Graf 13: Regulated Revenues)

HB 1322, requiring the department of fish and game, after a hunting injury or death, to immediately suspend a hunter's license pending an investigation. (L. Foster, Hills 10: Wildlife and Marine Resources)

HB 1323-FN, requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates. (M. Hawkinson, Coos 7; K. Rogers, Merr 22; Shaheen, Dist 21: Labor, Industrial and Rehabilitative Services)

HB 1324-FN, relative to training for parents so they can provide kindergarten education to their children. (Hemon, Straf 11: Education)

HB 1325-FN, requiring the publication of an AIDS/HIV handbook. (St. Martin, Rock 6; K. Foster, Ches 19; B. Gage, Rock 26; Sargent, Hills 3; Cohen, Dist 24; Hollingworth, Dist 23; Podles, Dist 16: Health, Human Services and Elderly Affairs)

HB 1326, limiting the export of timber harvested on state-owned forest lands. (Gilmore,

Straf 11: Resources, Recreation and Development)

HB 1327-FN, transferring all jurisdiction of aquaculture, including licenses and fees, from the department of fish and game to the department of agriculture. (Schotanus, Sull 3; Burling, Sull 1; L. Pratt, Coos 4; Cogswell, Carr 3: Environment and Agriculture)

HB 1328-FN-L, to officially change the name of the town of Northumberland to Groveton. (Hemon, Straf 11: Municipal and County Government)

HB 1329-L, authorizing municipalities to extend workers' compensation to volunteers performing municipal functions. (Burling, Sull 1; L. Palmer, Sull 11: Labor, Industrial and Rehabilitative Services)

HB 1330, prohibiting an employer from requiring union membership as a condition of employment. (Daniels, Hills 13; Cowenhoven, Hills 14; J. Sytek, Rock 26; Barnes, Dist 17: Labor, Industrial and Rehabilitative Services)

HB 1331, authorizing cities and towns to adopt reporting requirements for candidates for municipal offices. (K. Pratt, Rock 22; Malcolm, Rock 22: Municipal and County Government)

HB 1332-FN, relative to certain private entities operating emissions inspection stations. (G. Katsakiores, Rock 13; Aranda, Rock 13; Pullman, Rock 13; Miller, Rock 13; Dowling, Rock 13; Raynowska, Rock 26: Environment and Agriculture)

HB 1333, requiring any municipality borrowing from the state water pollution control revolving loan fund program to provide the department of environmental services with evidence of its ability to repay the loan. (G. Katsakiores, Rock 13; P. Katsakiores, Rock 13; Miller, Rock 13; Dowling, Rock 13: Appropriations)

HB 1334, regulating the licensure and practice of title insurance agents, including fees. (Crory, Graf 10: Commerce, Small Business and Consumer Affairs)

HB 1335-FN, making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees. (Record, Hills 27; Mock, Carr 3; Lozeau, Hills 30; Baldizar, Dist 12: Corrections and Criminal Justice)

HB 1336, restricting services which holders of licenses under RSA 178 may perform for privately owned retail establishments. (Salatiello, Belk 2; Newman, Rock 4: Regulated Revenues)

HB 1337, relative to designating a managing broker in a real estate branch office in the event of a vacancy. (E. Smith, Ches 6: Commerce, Small Business and Consumer Affairs)

HB 1338-FN, relative to hearing aid dealers and increasing the fees for persons seeking registration as hearing aid dealers. (Copenhaver, Graf 10; Ferguson, Hills 13; Messier, Hills 46: Executive Departments and Administration)

HB 1339, relative to bank boards of directors or trustees. (Mercer, Hills 27; Syracuse, Rock 33; Fraser, Dist 4: Commerce, Small Business and Consumer Affairs)

HB 1340-FN, requiring the general court to hold sessions in the evening. (K. Rogers, Merr 22; Newman, Rock 4; Cloutier, Sull 8: Legislative Administration)

HB 1341, requiring delivery of non-subscription publications to cease 14 days after written notification by the recipient. (K. Pratt, Rock 22; Groves, Rock 22; Malcolm, Rock 22: Commerce, Small Business and Consumer Affairs)

HB 1342, prohibiting cable companies from requiring consumers to obtain converter boxes to receive cable television service. (Salatiello, Belk 2; Linda Smith, Belk 5; Bartlett, Belk 6; Ziegra, Belk 5: Science, Technology and Energy)

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. (Carter, Merr 7; Yeaton, Merr 10; Larson, Graf 8; Durham, Hills 22; Skinner, Rock 27: Education)

HB 1344, requiring financial institutions which sell notes to disclose the sale price of the note to the debtor and any obligor on the note, upon request. (Braiterman, Merr 3; Burling, Sull 1: Commerce, Small Business and Consumer Affairs)

HB 1345, relative to payments to the state treasurer. (B. Packard, Hills 19: Executive Departments and Administration)

HB 1346-FN, authorizing the department of environmental services to impose administrative fines under air pollution control, asbestos management and control, the acid rain control act and the air toxic control act, and to subject to rulemaking the designation of toxic air pollutants under the air toxic control act. (J. Bradley, Carr 8; Burnham, Ches 8; A. Merrill,

Straf 8; Scanlan, Graf 11; Russman, Dist 19; W. King, Dist 2; Pignatelli, Dist 13: Environment and Agriculture)

HB 1347, requiring a financial institution to allow an applicant for a mortgage loan to select a hazardous waste site assessment firm from a list of firms supplied by the institution. (F. Torr, Straf 12: Commerce, Small Business and Consumer Affairs)

HB 1348-A, authorizing the expansion of the Spaulding turnpike over Little Bay from bonds previously authorized. (F. Torr, Straf 12: Public Works)

HB 1349, relative to representation of business organizations in small claims court. (DePecol, Ches 14: Judiciary)

HB 1350, expanding the definition of "party" for purposes of the election laws. (J. Chandler, Merr 1: Constitutional and Statutory Revision)

HB 1351-L, allowing municipalities to defer interest on property tax payments assessed after a property reappraisal. (Splaine, Rock 36: Municipal and County Government)

HB 1352, relative to the choice of "none of the above" on the ballot. (J. Chandler, Merr 1: Constitutional and Statutory Revision)

HB 1353, establishing a committee to study the structure of administrative and service delivery areas for certain social services. (Allen, Hills 1: Executive Departments and Administration)

HB 1354, providing that one member of the state board of education shall be a currently certified and employed New Hampshire public school teacher. (A. Pelletier, Straf 12; French, Merr 3; Cohen, Dist 24: Education)

HB 1355, prohibiting sale of blue lights to persons who are not law enforcement officers and prohibiting police officers driving unmarked cars from apprehending motorists. (Dykstra, Hills 42: Public Protection and Veterans Affairs)

HB 1356-FN, relative to the duties of the members and the director of the state veterans council. (Lessard, Hills 23: Public Protection and Veterans Affairs)

HB 1357, requiring that any company engaged in the business of leasing motor vehicles provide full disclosure of all aspects of a lease agreement to a potential purchaser. (Keans, Straf 16: Commerce, Small Business and Consumer Affairs)

HB 1358-FN, relative to a state contribution for meeting Clean Air Act provisions. (Kirby, Hills 24; J. Bradley, Carr 8; Ham, Graf 4; Beach, Carr 7; D. Hall, Merr 10; W. King, Dist 2: Appropriations)

HB 1359, increasing the penalties for certain DWI offenses and repealing the multiple DWI intervention program. (T. Arnold, Hills 20; D. Wheeler, Dist 11: Corrections and Criminal Justice)

HB 1360-FN, requiring that Purple Heart plates display the purple heart in its actual color and charging a fee to any person exchanging a plate not in its actual color. (Vaughn, Rock 35; Laughlin, Hills 41; Fields, Hills 18; Stewart, Hills 41; Lamirande, Dist 1: Transportation)

HB 1361, requiring automobile dealers in New Hampshire to periodically provide the original purchaser with a summary of all service bulletins. (D. Holt, Hills 35: Transportation)

HB 1362, establishing a committee to study the feasibility of allowing electric-powered craft on lakes and ponds in the state except for those closed because they are used as public water supplies. (L'Heureux, Hills 18; Boucher, Rock 29; Andrews, Hills 34; Calawa, Hills 17; Roberge, Dist 9: Resources, Recreation and Development)

HB 1363, requiring that, if the posted or advertised sale price of a product is not charged to the customer, the customer receives the product free. (Burke, Hills 15; Roberge, Dist 9: Commerce, Small Business and Consumer Affairs)

HB 1364, changing the renewal date for a license to carry a pistol or revolver. (Daniels, Hills 13: Public Protection and Veterans Affairs)

HB 1365, clarifying legislative intent relative to municipal ordinances. (Martin, Hills 34: Municipal and County Government)

HB 1366, prohibiting the use of unmarked police vehicles at night. (B. Packard, Hills 19: Public Protection and Veterans Affairs)

HB 1367, creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation. (A. Merrill, Straf 8; J. Bradley, Carr 8: Transportation)

HB 1368, establishing a commission to examine governmental reorganization. (K. Rogers,

Merr 22; Stamatakis, Sull 5; D. Soucy, Hills 42; D. Cote, Hills 29; Splaine, Rock 36: Executive Departments and Administration)

HB 1369, recognizing the legal validity of faxed documents. (D. Sytek, Rock 26; Yennaco, Rock 27: Judiciary)

HB 1370, repealing the prohibition against including CWIP charges in a public utility's rate base. (Cogswell, Carr 5; Kennedy, Merr 7: Science, Technology and Energy)

HB 1371, relative to claiming the homestead right in a levy by sale of an execution on real estate. (Lozeau, Hills 30: Commerce, Small Business and Consumer Affairs)

HB 1372, establishing the granite state cultural legacy award. (M. Fuller Clark, Rock 31: Executive Departments and Administration)

HB 1373, prohibiting the use of hearsay evidence in child abuse and neglect cases. (Cogswell, Carr 5: Children, Youth and Juvenile Justice)

HB 1374, requiring the department of transportation to study United States Route 4 between New Hampshire route 108 and Scammel Bridge. (Wall, Straf 9: Public Works)

HB 1375, allowing voters to override a request for a secret ballot or a request to retake a vote at town and school district meetings. (Cepaitis, Hills 33; Lovejoy, Rock 12; L. Foster, Hills 10; Stone, Rock 7; P. Bradley, Coos 6: Constitutional and Statutory Revision)

HB 1376, making the act of taking a motor vehicle with the intent to deprive the owner for 24 hours or more a class B felony. (Stritch, Rock 5: Corrections and Criminal Justice)

HB 1377, requiring an optometrist or ophthalmologist to release prescriptions for replacement eyeglasses and contacts to patients upon request. (Braiterman, Merr 3: Commerce, Small Business and Consumer Affairs)

HB 1378, allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards. (K. Wheeler, Straf 8; Shaheen, Dist 21: Transportation)

HB 1379, establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report. (J. Chandler, Merr 1; Stamatakis, Sull 5; Currier, Dist 7: Executive Departments and Administration)

HB 1380-L, prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations. (Rosen, Belk 7; Borsa, Hills 24; Kirby, Hills 24; G. Wiggin, Carr 6; Delahunty, Dist 22; MacDonald, Dist 3: Science, Technology and Energy)

HB 1381, allowing proposed ordinances to be placed on the official ballot used for the election of town officers. (French, Merr 3; Braiterman, Merr 3; J. Bradley, Carr 8; Currier, Dist 7: Municipal and County Government)

HB 1382, declaring a moratorium on toll hikes until a task force has studied the toll collection system and its recommendations have been implemented. (L'Heureux, Hills 18; R. Kelley, Hills 18; Woods, Rock 25; Milligan, Hills 18; Roberge, Dist 9; Hollingworth, Dist 23; Baldizar, Dist 12; Shaheen, Dist 21: Public Works)

HB 1383-L, relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction. (Trelfa, Graf 2; Stone, Rock 7; Wadsworth, Graf 14; R. Campbell, Belk 4; Ferguson, Hills 13; Shaheen, Dist 21: Municipal and County Government)

HB 1384-FN, regulating art therapists and authorizing licensing fees. (McIlwaine, Graf 3; French, Merr 3; Richardson, Ches 12; Sargent, Hills 3; Manning, Ches 9; Lamirande, Dist 1; Podles, Dist 16; Baldizar, Dist 12: Commerce, Small Business and Consumer Affairs)

HB 1385-L, changing the property tax rate for single family homeowners. (Hemon, Straf 11: Municipal and County Government)

HB 1386-FN, relative to appointment and payment for guardians ad litem and instituting a process for handling complaints regarding the guardian ad litem system. (Hemon, Straf 11: Judiciary)

HB 1387, relative to the acceptance of risks in recreational activities for the purpose of determining comparative fault in civil actions. (Merritt, Straf 8; Whalley, Merr 5; Battles, Rock 18; MacDonald, Dist 3; Currier, Dist 7: Judiciary)

HB 1388-L, requiring that warrant articles on planning and zoning issues use common landmarks and street names for setting boundaries and relative to the town report. (Fenton, Hills 24; Milligan, Hills 18; Calawa, Hills 17: Municipal and County Government)

HB 1389, establishing a study committee to examine lowering physicians' malpractice

insurance rates and capping damages awarded in malpractice actions. (C. Cote, Rock 11; Barnes, Dist 17: Judiciary)

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D. (Stamatakis, Sull 5; Cloutier, Sull 8; Peyron, Sull 4; Flint, Sull 4; Disnard, Dist 8: Environment and Agriculture)

HB 1391, relative to consumer protection and going out of business sales. (M. Holt, Hills 26: Commerce, Small Business and Consumer Affairs)

HB 1392, making a second or subsequent obscenity violation a class B felony. (Syracusa, Rock 33; Klemarczyk, Rock 20; Vaughn, Rock 35; A. Smith, Rock 26; M. Fuller Clark, Rock 31; Barnes, Dist 17; Russman, Dist 19; Hollingworth, Dist 23; Cohen, Dist 24: Corrections and Criminal Justice)

HB 1393, relative to consumer choice in home television programming. (Martin, Hills 34: Science, Technology and Energy)

HB 1394, deletes the requirement that habitual offenders be incarcerated and allowing incarceration at the discretion of the court. (Laughlin, Hills 41; Burling, Sull 1; Stewart, Hills 41: Corrections and Criminal Justice)

HB 1395, reserving a certain number of moose hunting lottery permits for resident senior citizens. (Laflam, Belk 2: Wildlife and Marine Resources)

HB 1396, limiting the use of information compiled by consumer reporting agencies. (Kurk, Hills 5; Ferguson, Hills 13; Record, Hills 27: Commerce, Small Business and Consumer Affairs)

HB 1397, relative to a limitation on telephone company release of telephone call records. (Kurk, Hills 5; Ferguson, Hills 13; Record, Hills 27: Science, Technology and Energy)

HB 1398, establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline. (Gilmore, Straf 11; Cogswell, Carr 5; Syracuse, Rock 33; Malcolm, Rock 22; Cohen, Dist 24; Shaheen, Dist 21: Commerce, Small Business and Consumer Affairs)

HB 1399, relative to the road toll on users of special fuel. (Bartlett, Belk 6: Transportation)

HB 1400, relative to providing pain relieving medication to individuals who are terminally ill. (Gordon, Graf 8; Stamatakis, Sull 5; Wall, Straf 9: Judiciary)

HB 1401, providing an exemption to homeowners relative to the installation of plumbing. (Gordon, Graf 8: Executive Departments and Administration)

HB 1402, establishing a committee to study the feasibility of creating a Strafford county fire department. (Hilliard, Straf 14; Gilmore, Straf 11; W. McCann, Straf 11; Knowles, Straf 11; Lovejoy, Dist 6; Shaheen, Dist 21: Public Protection and Veterans Affairs)

HB 1403, requiring the department of fish and game to suspend a fish and game license agent's contract for at least one year upon violation of the terms of the agreement. (L. Foster, Hills 10: Wildlife and Marine Resources)

HB 1404-FN, requiring a fiscal note for bills which change a civil or criminal penalty. (Hambrick, Straf 7; V. Clark, Rock 15; Stamatakis, Sull 5; J. King, Dist 18: Legislative Administration)

HB 1405, relative to voting and party membership. (Gilmore, Straf 11; Flanagan, Rock 14: Constitutional and Statutory Revision)

HB 1406, to permit the placement of candidates' names only once on the ballot. (Gilmore, Straf 11: Constitutional and Statutory Revision)

HB 1407, changing the title of Washington's Birthday to Lincoln and Washington Day. (Gilmore, Straf 11; Stamatakis, Sull 5; O'Brien, Straf 4: Executive Departments and Administration)

HB 1408-FN, requiring state agencies to pay the New Hampshire Bar Association dues and fees of attorneys which they employ. (Lozeau, Hills 30: Executive Departments and Administration)

HB 1409, relative to voluntary construction standards when applying for a certificate of compliance for energy efficiency to a town, city, building inspector, or the public utilities commission. (Cogswell, Carr 5: Public Works)

HB 1410, relative to zoning board of adjustment rehearings. (K. Rogers, Merr 22; Newland,

Merr 15: Municipal and County Government)

HB 1411-L, enabling municipalities to establish geographic information systems and charge fees for their use. (K. Rogers, Merr 22; Newland, Merr 15: Municipal and County Government)

HB 1412, prohibiting any person who is receiving retirement system benefits from serving as a member of the New Hampshire retirement system board of trustees. (J. Ward, Merr 12: Executive Departments and Administration)

HB 1413, relative to the findings of the public water rights study committee. (Leonard Smith, Hills 25; Conroy, Rock 13: Resources, Recreation and Development)

HB 1414, prohibiting discrimination by public utilities. (Below, Graf 13: Science, Technology and Energy)

HB 1415-L, relative to approval of the goals and future conditions section of the master plan by the local legislative body. (M. Fuller Clark, Rock 31; Metzger, Ches 13: Municipal and County Government)

HB 1416, relative to liens on manufactured housing. (B. Gage, Rock 26: Commerce, Small Business and Consumer Affairs)

HB 1417-FN, requiring the state to pay a portion of the cost of health insurance for legislators and allowing spouses of legislators to obtain such insurance at their own expense. (R. Hawkins, Belk 3: Legislative Administration)

HB 1418-FN-A, relative to the business enterprise tax and reinstituting the bank franchise tax. (Newman, Rock 4; D. Cote, Hills 29; W. McCann, Straf 11: Ways and Means)

HB 1419-FN-L, relative to calculation of fees for motor vehicle registration permits. (Klemarczyk, Rock 20; G. Katsakiores, Rock 13; Chester, Rock 20; D. Flanders, Rock 20; Barnes, Dist 17; Lovejoy, Dist 6: Transportation)

HB 1420, relative to the sale of defective vehicles. (B. Packard, Hills 19: Commerce, Small Business and Consumer Affairs)

HB 1421-FN-L, requiring owners to enroll land in current use for a 10-year period and changing the rate of the land use change tax. (Shaw, Merr 12; Daneault, Merr 12: Environment and Agriculture)

HB 1422-FN-L, relative to the dog control laws and the portion of the dog license fee retained by municipalities. (K. Wheeler, Straf 8; Dickinson, Carr 2; Roberge, Dist 9; Cohen, Dist 24: Municipal and County Government)

HB 1423, relative to genetic testing. (Kurk, Hills 5; Gilmore, Straf 11; Ferguson, Hills 13; Record, Hills 27: Judiciary)

HB 1424-FN-A, relative to the exemption for hospitals under the meals and rooms tax. (Buckley, Hills 44; D. Cote, Hills 29; Soucy, Hills 42; J. Johnson, Merr 8; Baldizar, Dist 12; Bourque, Dist 20; Hollingworth, Dist 23: Ways and Means)

HB 1425, requiring a certain minimum water flow before property may be sold. (Fenton, Hills 24; J. Flanders, Rock 18; Boucher, Rock 29; Lessard, Hills 23; D. Welch, Rock 18; Milligan, Hills 18: Commerce, Small Business and Consumer Affairs)

HB 1426, relative to the placement of candidates' names on the ballot. (Gilmore, Straf 11: Constitutional and Statutory Revision)

HB 1427, establishing a committee to study amateur athletics. (Kennedy, Merr 7; Houlahan, Merr 2; Cogswell, Carr 5; Blaisdell, Dist 10; Colantuono, Dist 14; D. Wheeler, Dist 11; Currier, Dist 7: Executive Departments and Administration)

HB 1428, requiring legislative approval for the naming of certain formations. (Drake, Rock 24; Douglass, Straf 16; Vaughn, Rock 35; Blaisdell, Dist 10: Executive Departments and Administration)

HB 1429-L, exempting municipal recreation programs from day care licensing requirements. (A. Wiggin, Carr 9; C. Cote, Rock 11; MacDonald, Dist 3; Roberge, Dist 9: Children, Youth and Juvenile Justice)

HB 1430, repealing the annual commemorative rifle or shotgun lottery. (Drake, Rock 24: Public Protection and Veterans Affairs)

HB 1431-FN, providing for the election of members to the county convention as a separate county office. (B. Hall, Hills 20; Drabinowicz, Hills 36: Municipal and County Government)

HB 1432, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. (W. McCann, Straf 11; McGovern, Rock 35; C. Moore, Merr 19; Keans, Straf 16; Houlahan, Merr 2; J. Johnson, Merr 8; Burnham, Ches 8; Gilmore, Straf 11; Copenhaver, Graf 10; Wallner, Merr 24; Hambrick, Straf 7; Cohen, Dist 24; McLane, Dist 15: Judiciary)

HB 1433, establishing a committee to review and make recommendations regarding health education in public schools. (St. Martin, Rock 6; Nordgren, Graf 10; P. Brown, Graf 11; C. Kane, Rock 34; French, Merr 3; Hollingworth, Dist 23; Podles, Dist 16: Education)

HB 1434-FN, establishing a special season and setting license fees for handgun hunting. (Kennedy, Merr 7; Drake, Rock 24; Cogswell, Carr 5; Hemon, Straf 11: Wildlife and Marine Resources)

HB 1435, relative to the penalty for a second or subsequent offense for carrying a pistol or revolver without a license. (D. Welch, Rock 18; Houlahan, Merr 2: Corrections and Criminal Justice)

HB 1436, exempting vessels in the federal channel from reduced speed requirements and eliminating the requirement that children 5 years of age or under wear personal flotation devices when they are in an enclosed cabin area of a boat. (Syracusa, Rock 33; Bartlett, Belk 6; Drake, Rock 24; Ritzo, Rock 24; Malcolm, Rock 22; Cohen, Dist 24: Transportation)

HB 1437, requiring members of certain professions to provide written notice to their clients or customers if such professionals do not carry malpractice insurance. (Burling, Sull 1: Commerce, Small Business and Consumer Affairs)

HB 1438, adopting the striped bass as the state saltwater game fish. (Drake, Rock 24; Felch, Rock 21: Wildlife and Marine Resources)

HB 1439, establishing license and license fee requirements for the taking of sea urchins. (Drake, Rock 24; Felch, Rock 21: Wildlife and Marine Resources)

HB 1440-FN, establishing a license and fee requirement for tidal waters netting. (Drake, Rock 24; Felch, Rock 21: Wildlife and Marine Resources)

HB 1441, establishing school teacher termination procedures. (Carter, Merr 7; Yeaton, Merr 10; P. Brown, Graf 11; Franks, Hills 26; Skinner, Rock 27: Education)

HB 1442-FN-A, relative to a real estate transfer questionnaire and making an appropriation therefor. (Dowling, Rock 13; Golden, Belk 5; Daneault, Merr 12; G. Katsakiores, Rock 13; J. King, Dist 18; Podles, Dist 16; Barnes, Dist 17: Municipal and County Government)

HB 1443-L, relative to town meetings and public hearings in large towns. (D. Sytek, Rock 26; Noyes, Rock 26; Delahunty, Dist 22: Municipal and County Government)

HB 1444-FN, authorizing the use of on-site recycling and greywater waste treatment systems as an alternative waste disposal system and authorizing inspection fees. (Owen, Merr 6: Environment and Agriculture)

HB 1445-FN-L, relative to patients requiring long-term care. (D. Holt, Hills 35: Health, Human Services and Elderly Affairs)

HB 1446-FN, requiring the state to accept the Union Leader building and authorizing the commissioner of administrative services to determine its best use. (Daniels, Hills 13; Houlahan, Merr 2; Wheeler, Dist 11: Public Works)

HB 1447-FN, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs. (Copenhaver, Graf 10; E. Moore, Hills 6; K. Foster, Ches 19; McLane, Dist 15; Podles, Dist 16; W. King, Dist 2: Health, Human Services and Elderly Affairs)

HB 1448-FN, requiring that certain documents and publications be included in the state depository law. (Aranda, Rock 13; J. Bradley, Carr 8; Trelfa, Graf 2; B. Hall, Hills 20: Executive Departments and Administration)

HB 1449, relative to professional standards review organizations for physical therapists. (DePecol, Ches 14: Judiciary)

HB 1450-L, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills. (K. Rogers, Merr 22; Daneault, Merr 12; Soucy, Hills 42; Newland, Merr 15; McLane, Dist 15: Municipal and County Government)

HB 1451-L, authorizing towns and school districts to vote to allow proxy voting at school district meetings and at town meetings. (V. Clark, Rock 15: Constitutional and Statutory Revision)

HB 1452, relative to confidentiality of medical records. (Kurk, Hills 5; Ferguson, Hills 13; Record, Hills 27; Gilmore, Straf 11: Health, Human Services and Elderly Affairs)

HB 1453, allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments. (B. Hall, Hills 20; C. Moore, Merr 19; K. Wheeler, Straf 8: Commerce, Small Business and Consumer Affairs)

HB 1454, relative to the authority of the county commissioners over certain elected county officials. (D. Sytek, Rock 26; Syracuse, Rock 33; D. Welch, Rock 18: Municipal and County Government)

HB 1455, making technical amendments to the business corporations laws and clarifying the limitation of liability of officers. (Mercer, Hills 27; Syracuse, Rock 33: Judiciary)

HB 1456, relative to mental health care service providers. (K. Wheeler, Straf 8; Manning, Ches 9; McIlwaine, Graf 3; Amidon, Hills 9; Colantuono, Dist 14; Hollingworth, Dist 23; Baldizar, Dist 12; Delahunty, Dist 22; Roberge, Dist 9: Commerce, Small Business and Consumer Affairs)

HB 1457-L, requiring vacancies in the office of state representative to be filled by a vote of the county convention for the remainder of the representative's term. (Klemarczyk, Rock 20: Constitutional and Statutory Revision)

HB 1458-FN-L, to provide incentive through school building aid for establishing and maintaining public kindergarten programs. (Franks, Hills 26; Skinner, Rock 27; Carter, Merr 7; Buckley, Hills 44; W. King, Dist 2; McLane, Dist 15; Lamirande, Dist 1; Pignatelli, Dist 13: Education)

HB 1459-FN, relative to private investigation agencies and security services. (W. Johnson, Merr 7: Public Protection and Veterans Affairs)

HB 1460-FN, naming a portion of New Hampshire route 28 in Wolfeboro the Gary Parker Memorial Highway and naming a portion of New Hampshire route 25 in Rumney the Joseph Geary Memorial Highway. (J. Bradley, Carr 8; Mock, Carr 3; W. King, Dist 2: Public Works)

HB 1461, establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire. (Wall, Straf 9; P. Wells, Hills 16; Ziegra, Belk 5; Nordgren, Graf 10; Gordon, Graf 8; Baldizar, Dist 12; J. King, Dist 18; Colantuono, Dist 14; Fraser, Dist 4: Commerce, Small Business and Consumer Affairs)

HB 1462-L, requiring local planning boards to submit approved subdivision plans to the division of water supply and pollution control for notification purposes. (Kirby, Hills 24; Leonard Smith, Hills 25; Dickinson, Carr 2; Russman, Dist 19: Resources, Recreation and Development)

HB 1463, modifying the definition of angling. (L'Heureux, Hills 18; Boucher, Rock 29; Coulombe, Coos 7; McGuirk, Ches 1: Wildlife and Marine Resources)

HB 1464, establishing a special moose hunting permit for certain landowners. (Foss, Coos 1; Cole, Ches 11: Wildlife and Marine Resources)

HB 1465, relative to the statute of limitations for filing a civil action alleging child abuse and establishing a study committee on actions for civil damages arising out of sexual and physical assault on children. (Burling, Sull 1; Palmer, Sull 11: Children, Youth and Juvenile Justice)

HB 1466, including advanced registered nurse practitioners in insurance policies for certain conditions. (Copenhaver, Graf 10; Hough, Dist 5: Commerce, Small Business and Consumer Affairs)

HB 1467, requiring any pre-owned automobile purchased from a dealer to be capable of passing the state inspection process, except as provided in RSA 358-F. (A. Pelletier, Straf 12: Commerce, Small Business and Consumer Affairs)

HB 1468, allowing builders to use native timber instead of stamped lumber when the timber is certified by a New Hampshire wood processing mill. (Cogswell, Carr 5; Scanlan, Graf 11; Wadsworth, Graf 14; Drake, Rock 24; Schotanus, Sull 3; C. Johnson, Belk 1; Jean, Hills 17; Gilmore, Straf 11; Currier, Dist 7; Russman, Dist 19: Commerce, Small Business and Consumer Affairs)

HB 1469-L, relative to the definition of "impact fee" for the purpose of innovative land use controls. (Senter, Rock 16; Barnes, Dist 17; Russman, Dist. 19: Environment and Agriculture)

HB 1470, relative to the eviction process. (M. Holt, Hills 26; Record, Hills 27; Rothhaus, Hills 18; Drabinowicz, Hills 36; Kennedy, Merr 7; Barnes, Dist 17; Russman, Dist 19: Judiciary)

HB 1471-FN-L, relative to reinstating local control over hazardous or endangering practices of pesticide use. (Martin, Hills 34; Laflam, Belk 2; A. Merrill, Straf 8; Pignatelli, Dist 13; Russman, Dist 19: Environment and Agriculture)

HB 1472-FN, making an appropriation to the fund for domestic violence programs. (McIlwaine, Graf 3; Merritt, Straf 8; LaMott, Graf 5; J. King, Dist 18; Barnes, Dist 17; Russman, Dist 19; Pignatelli, Dist 13: Appropriations)

HB 1473, relative to tenants with unacceptable lead blood levels. (D. Holt, Hills 35; Pepino, Hills 40: Health, Human Services and Elderly Affairs)

HB 1474-L, allowing towns to maintain class VI highways. (Royce, Ches 9; Manning, Ches 9; Whalley, Merr 5; Wheeler, Dist 11: Municipal and County Government)

HB 1475-FN, requiring a person purchasing a hunting, fishing or combination license to purchase a wildlife management habitat stamp for an additional fee. (Drake, Rock 24; Peyron, Sull 4; Kennedy, Merr 7: Wildlife and Marine Resources)

HB 1476-L, relative to municipal liability and the tax sale process. (K. Rogers, Merr 22; St. Martin, Rock 6; J. Johnson, Merr 8: Municipal and County Government)

HB 1477, changing the judicial district for Thompson and Meserve's Purchase. (M. Hawkinson, Coos 7; Guay, Coos 6: Judiciary)

HB 1478-FN-A, prohibiting the business enterprise tax from being levied retroactively. (Buckley, Hills 44; Soucy, Hills 42; D. Cote, Hills 29; Splaine, Rock 36: Ways and Means)

HB 1479-L, requiring smoke detectors in buildings upon the sale or transfer of the buildings. (Knowles, Straf 11; Kincaid, Straf 13; G. Brown, Straf 17: Public Protection and Veterans Affairs)

HB 1480, requiring physicians to attend pain treatment seminars as a condition for license renewal. (Hart, Hills 37: Health, Human Services and Elderly Affairs)

HB 1481-L, relative to property tax exemptions and municipal core service charges or fees. (N. Young, Belk 7; Driscoll, Graf 7; Linda Smith, Belk 5; MacDonald, Dist 3: Municipal and County Government)

HB 1482-FN-L, relative to increases and conversions of inpatient beds under the certificate of need law. (Kurk, Hills 5; Copenhaver, Graf 10; Nardi, Hills 39; Shaheen, Dist 21: Health, Human Services and Elderly Affairs)

HB 1483, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Copenhaver, Graf 10; Trombly, Merr 4; C. Kane, Rock 34; O'Keefe, Rock 21: Health, Human Services and Elderly Affairs)

HB 1484-L, relative to the tax exempt status of certain properties. (Weyler, Rock 18; Wadsworth, Graf 14; Barnes, Dist 17; Shaheen, Dist 21: Municipal and County Government)

HB 1485-FN, establishing a fuel testing program to determine the accuracy of octane rates, creating a licensing procedure for persons engaged in the transfer or sale of motor fuels, and establishing fees and penalties for violations. (J. Ward, Merr 12; Mears, Coos 7; Gilmore, Straf 11: Environment and Agriculture)

HB 1486-FN, relative to preserving private property rights. (Daniels, Hills 13; Kurk, Hills 5; Lawton, Belk 1; Podles, Dist 16; Lovejoy, Dist 6; D. Wheeler, Dist 11: Judiciary)

HB 1487-FN, relieving county attorneys of responsibility for criminal prosecutions and requiring the governor to appoint state attorneys responsible to the attorney general for such purposes. (Harwell, Coos 7: Corrections and Criminal Justice)

HB 1488-A, requiring the department of transportation to redesign the Spaulding turnpike between exits 11 and 16 from bonds previously authorized under RSA 273-A:2. (F. Torr, Straf 12; Lovejoy, Dist 6: Public Works)

HB 1489-FN, requiring state courts to furnish copies of rules, laws, and cases cited in rulings and opinions to the parties involved; and requiring that supreme court rules be adopted

in accordance with the public notice and hearing requirements of RSA 541-A. (Hemon, Straf 11; Trombly, Merr 4: Judiciary)

HB 1490-FN, relative to rescheduling adjudicative proceedings and hearings held before state agencies. (Stamatakis, Sull 5: Executive Departments and Administration)

HB 1491-FN, relative to signage and fees charged for installation, replacement and removal of signs. (Nichols, Merr 2; Currier, Dist 7; Barnes, Dist 17: Public Works)

HB 1492-FN, establishing a procedure for the licensing of independent contractors and setting certain fees. (J. Ward, Merr 12; Mears, Coos 7; Fraser, Dist 4: Labor, Industrial and Rehabilitative Services)

HB 1493-FN-A, exempting subchapter S corporations from the payment of the interest and dividends tax. (W. McCann, Straf 11: Ways and Means)

HB 1494-FN, relative to the notification requirements for parties affected by certain major water projects. (Laflam, Belk 2: Resources, Recreation and Development)

HB 1495-FN, relative to taxes paid on simulcast racing. (R. Hawkins, Belk 3: Regulated Revenues)

HB 1496-FN-L, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities. (Salatiello, Belk 2: Environment and Agriculture)

HB 1497-FN, requiring that testimony in public hearings and executive sessions of legislative committees be taped. (Copenhaver, Graf 10: Legislative Administration)

HB 1498-FN-L, relative to the type of voting machines which may be used in municipalities. (Dykstra, Hills 42; Pepino, Hills 40: Constitutional and Statutory Revision)

HB 1499-FN, establishing a maximum class size of 20 students per teacher for all grade levels in the public schools. (A. Pelletier, Straf 12: Education)

HB 1500-FN, defining retail level distributors and requiring the licensure of pharmacies operating outside of the state that sell to individuals within the state. (R. Foster, Carr 10; Record, Hills 27; Ziegler, Belk 5; D. Sytek, Rock 26; J. King, Dist 18; Hollingworth, Dist 23; Russman, Dist 19: Commerce, Small Business and Consumer Affairs)

HB 1501-FN-A, requiring the department of transportation to repair the road from New Hampshire route 10 to Bedell state park and making an appropriation therefor. (Teschner, Graf 5; LaMott, Graf 5; W. King, Dist 2: Public Works)

HB 1502-FN, removing the fee and certain reporting requirement for persons who wish to sell venison. (Teschner, Graf 5; Drake, Rock 24; C. Douglass, Straf 16; Burling, Sull 1; W. King, Dist 2: Environment and Agriculture)

HB 1503, establishing a committee to study economic development in rural New Hampshire through the enhancement of fish, game and nongame programs. (K. Rogers, Merr 22; M. Hawkinson, Coos 7; Pfaff, Merr 11; Lamirande, Dist 1; MacDonald, Dist 3: Wildlife and Marine Resources)

HB 1504-FN-L, requiring certain damage disclosure upon the sale or transfer of an automobile. (Buckley, Hills 44; Newland, Merr 15: Commerce, Small Business and Consumer Affairs)

HB 1505-FN, allowing persons other than police officers to attend courses given by the police standards and training council and to become certified to be municipal or county police officers. (G. Brown, Straf 17; Knowles, Straf 11; Trombly, Merr 4; Lovejoy, Dist 6: Public Protection and Veterans Affairs)

HB 1506-FN-L, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail. (Gilmore, Straf 11; Flanagan, Rock 14; M. Fuller Clark, Rock 31; Holden, Hills 14; DePecol, Ches 14; Baldizar, Dist 12; Roberge, Dist 9; Shaheen, Dist 21: Constitutional and Statutory Revision)

HB 1507-FN, relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure. (I. Pratt, Ches 5; Coes, Rock 19; Kingsbury, Ches 16; Barnes, Dist 17: Health, Human Services and Elderly Affairs)

HB 1508-FN, relative to premiums charged under the workers' compensation assigned risk pool and establishing a committee to study the workers' compensation rate system. (J. Bradley, Carr 8; C. Johnson, Belk 1; Drabinowicz, Hills 36; Perkins, Hills 5; D. Dow, Graf 7; Hollingworth, Dist 23; Delahunty, Dist 22; Shaheen, Dist 21; MacDonald, Dist 3; Russman, Dist 19: Labor, Industrial and Rehabilitative Services)

HB 1509, authorizing the department of safety, division of safety services to permit the wearing of non-Coast Guard approved personal flotation devices. (L'Heureux, Hills 18; R. Kelley, Hills 18, Calawa, Hills 17; Milligan, Hills 18; Roberge, Dist 9: Transportation)

HB 1510-FN, relative to the availability of on-site foreign currency exchange. (D. Hall, Merr 10; D. Cote, Hills 29: Commerce, Small Business and Consumer Affairs)

HB 1511-FN, allowing cooperative electric utilities to be exempted from regulation by the public utilities commission. (V. Clark, Rock 15: Science, Technology and Energy)

HB 1512-FN, relative to the composition of the pesticide control board and establishing a citizens advisory committee. (B. Hall, Hills 20; Musler, Straf 6: Environment and Agriculture)

HB 1513-FN-A, exempting certain veterans' organizations from the business enterprise tax. (B. McKinney, Rock 29: Ways and Means)

HB 1514-FN-L, establishing a "gifted and talented program" for certain public schools. (Kurk, Hills 5; Skinner, Rock 27; Disnard, Dist 8: Education)

HB 1515-FN, relative to the emissions reduction credits trading program. (J. Bradley, Carr 8; McRae, Hills 7; Gilmore, Straf 11; Trelfa, Graf 2; Aranda, Rock 13; W. King, Dist 2; Russman, Dist 19; MacDonald, Dist 3; Pignatelli, Dist 13; Shaheen, Dist 21: Science, Technology and Energy)

HB 1516-FN-A, transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefor. (Lown, Hills 14: Appropriations)

HB 1517-FN, relative to taking or harvesting clams and relative to clam license fees. (B. Moore, Rock 21: Wildlife and Marine Resources)

HB 1518-A, appropriating funds for the design and construction of an easterly approach from the Scammell bridge to the Spaulding turnpike. (F. Torr, Straf 12: Public Works)

HB 1519, limiting any pecuniary benefit received by directors and officers of charitable trusts. (Lown, Hills 14; Record, Hills 27; Podles, Dist 16: Judiciary)

HB 1520-FN-A-L, raising certain taxes and revenue to fund public kindergarten. (D. Hall, Merr 10; Nardi, Hills 39; Larson, Graf 8; G. Merrill, Coos 1; Yeaton, Merr 10; McLane, Dist 15; Hollingworth, Dist 23; Lamirande, Dist 1: Ways and Means)

HB 1521-FN, restricting the courts' penalties for civil and criminal contempt. (Hemon, Straf 11: Judiciary)

HB 1522-FN, to establish the department of the state law library. (Hemon, Straf 11; Trombly, Merr 4; W. McCann, Straf 11: Executive Departments and Administration)

HB 1523-FN-A, establishing a state veterans' cemetery and making an appropriation therefor. (Fenton, Hills 24; Gross, Merr 18; Trombly, Merr 4; D. Welch, Rock 18; Whittemore, Merr 13; Disnard, Dist 8; Delahunty, Dist 22; Currier, Dist 7; Cohen, Dist 24; Russman, Dist 19: Appropriations)

HB 1524-FN, relative to the executive reorganization of the department of education. (Skinner, Rock 27; Larson, Graf 8; Currier, Dist 7; J. King, Dist 18; Lovejoy, Dist 6: Executive Departments and Administration)

HB 1525, relative to communications that constitute harassment. (L'Heureux, Hills 18; Milligan, Hills 18; R. Kelley, Hills 18; C. W. Johnson, Merr 7; Roberge, Dist 9; MacDonald, Dist 3: Corrections and Criminal Justice)

HB 1526, allowing municipalities to appropriate funds to maintain certain municipal roads. (Hunter, Hills 7; McRae, Hills 7; R. Wheeler, Hills 7: Municipal and County Government)

HB 1527, prohibiting the sale and use of lead fishing sinkers except to persons with commercial salt water fishing licenses. (J. Bradley, Carr 8; R. Rogers, Straf 15; Crossman, Rock 32; Cohen, Dist 24; Russman, Dist 19: Wildlife and Marine Resources)

HB 1528-FN-L, establishing a safe school zone and relative to school violence. (Skinner, Rock 27; Buessing, Merr 23; Franks, Hills 26; Carter, Merr 7; J. King, Dist 18; Currier, Dist 7; Russman, Dist 19: Education)

HB 1529-FN, relative to the apportionment, priority of and limitations on bridge betterment funds. (G. Chandler, Carr 1; Pfaff, Merr 11; McCarty, Hills 38: Public Works)

HB 1530-FN, relative to the child protection act and providing protection from informers. (Hemon, Straf 11: Children, Youth and Juvenile Justice)

HB 1531-FN, imposing a surcharge on fines and default payments which are overdue to the courts. (J. Bradley, Carr 8; Murphy, Hills 42; R. Campbell, Belk 4; Podles, Dist 16; Barnes, Dist 17; Cohen, Dist 24: Public Works)

HB 1532-FN-L, requiring the division of public health services to establish a needle exchange program. (C. Kane, Rock 34; Copenhaver, Graf 10; B. Gage, Rock 26; O'Keefe, Rock 21; Shaheen, Dist 21; Cohen, Dist 24; Fraser, Dist 4: Health, Human Services and Elderly Affairs)

HB 1533, adding a member to the pesticide control board. (Linda Smith, Belk 5; Salatiello, Belk 2: Environment and Agriculture)

HB 1534-FN-L, relative to solid waste districts. (Burnham, Ches 8; Musler, Straf 6; Philbrick, Carr 4; Hauck, Belk 4; A. Merrill, Straf 8; Currier, Dist 7; Hollingworth, Dist 23; W. King, Dist 2; Pignatelli, Dist 13; Russman, Dist 19: Environment and Agriculture)

HB 1535-FN-L, exempting certain vessels from the state vessel registration fee and the boat fee. (Syracusa, Rock 33; Drake, Rock 24; Schotanus, Sull 3; Torr, Straf 12; Bartlett, Belk 6: Transportation)

HB 1536-FN, authorizing the court to issue emergency temporary orders telephonically. (C. Johnson, Belk 1; Lown, Hills 14; D. Sytek, Rock 26; Podles, Dist 16: Corrections and Criminal Justice)

HB 1537-FN, establishing \$.50 as the maximum fee which state agencies or bodies may charge per page for copies of documents. (W. Riley, Ches 7: Executive Departments and Administration)

HB 1538-FN-A, to repeal the business enterprise tax. (Gorman, Rock 8; Borsa, Hills 24; Rothhaus, Hills 18: Ways and Means)

HB 1539-FN, establishing an intermodal statewide transportation improvement program for New Hampshire. (Burnham, Ches 8; J. Chandler, Merr 1; Schotanus, Sull 3; M. Fuller Clark, Rock 31; Klemarczyk, Rock 20; Cohen, Dist 24; MacDonald, Dist 3; Blaisdell, Dist 10; Delahunty, Dist 22; Shaheen, Dist 21: Public Works)

HB 1540-FN, permitting the state to commit certain persons convicted of sexually violent crimes for psychiatric treatment after they have completed their sentences. (Knowles, Straf 11: Corrections and Criminal Justice)

HB 1541, establishing an executive branch ethics committee. (K. Rogers, Merr 22; DePecol, Ches 14; Plourde, Hills 39: Executive Departments and Administration)

HB 1542-FN-L, establishing a teacher evaluation program. (Carter, Merr 7; Yeaton, Merr 10; P. Brown, Graf 11; Skinner, Rock 27: Education)

HB 1543-FN-A, providing that interest from youth development center resident trust accounts be continually appropriated and used for the benefit of the residents and changing the name of the bureau of secure care. (Wallner, Merr 24; Nordgren, Graf 10: Appropriations)

HB 1544, replacing the capital budget with separate capital expenditure bills. (Rice, Belk 7; Lawton, Belk 1; Chester, Rock 20; Gorman, Rock 8; Barnes, Dist 17: Public Works)

HB 1545, relative to disclosure regarding contests and gift giveaways. (L. Foster, Hills 10; Newman, Rock 4; P. Wells, Hills 16; Baldizar, Dist 12; Barnes, Dist 17: Commerce, Small Business and Consumer Affairs)

HB 1546-FN-L, to provide an additional service retirement option for group I teacher members of the retirement system. (C. Jean, Hills 32; Clemons, Hills 31: Executive Departments and Administration)

HB 1547-FN, relative to privatization of liquor sales and license fees. (D. Hall, Merr 10; Gorman, Rock 8; W. Riley, Ches 7: Regulated Revenues)

HB 1548-FN, relative to medical and surgical benefits for state employees. (R. Hawkins, Belk 3; Trombly, Merr 4: Executive Departments and Administration)

HB 1549-FN-A, proposing a 2 percent tax on pet products to fund a spay/neuter program. (McGuirk, Ches 1: Ways and Means)

HB 1550, requiring the attorney general to recommend to the general court the best way to implement an efficient and unified system of criminal prosecution. (Lozeau, Hills 30: Corrections and Criminal Justice)

HB 1551-FN-A, relative to the state's repayment of retirement costs for certain judicial branch employees and making an appropriation therefor. (Feuerstein, Merr 13: Executive Departments and Administration)

HB 1552-FN-L, relative to the certification of employer contributions by the retirement system board of trustees. (C. Brown, Graf 14: Executive Departments and Administration)

HB 1553-A, making a capital appropriation to the supreme court for the design and construction of an administrative office building. (G. Chandler, Carr 1; C. Brown, Graf 14; Podles, Dist 16: Public Works)

HB 1554-FN, authorizing the executive director of the department of fish and game to hire clam wardens. (B. Moore, Rock 21: Wildlife and Marine Resources)

HB 1555-FN, establishing a lobster management plan. (Drake, Rock 24; Felch, Rock 21; Syracuse, Rock 33; Cohen, Dist 24: Wildlife and Marine Resources)

HB 1556-FN-L, establishing the position of fiscal officer for Rockingham county. (Weyler, Rock 18; D. Sytek, Rock 26; D. Welch, Rock 18: Municipal and County Government)

HB 1557-A, making an appropriation for the design and construction of the Plymouth district courthouse. (Driscoll, Graf 7; LaMott, Graf 5; Larson, Graf 8; Schotanus, Sull 3; O'Rourke, Hills 39; Shaheen, Dist 21; W. King, Dist 2; Podles, Dist 16: Public Works)

HB 1558-FN, relative to certification of cable franchise authorities. (McRae, Hills 7; Gilmore, Straf 11: Science, Technology and Energy)

HB 1559, prohibiting smoking in all indoor public places and workplaces, with certain exceptions. (D. Holt, Hills 35; A. Pelletier, Straf 12: Commerce, Small Business and Consumer Affairs)

HB 1560-FN, permitting termination of marriages by agreement without court approval, and requiring binding arbitration of all marital disputes based upon irreconcilable differences. (Harwell, Coos 7: Judiciary)

HB 1561, allowing a choice of the motto on New Hampshire license plates. (Braiterman, Merr 3; French, Merr 3; Cohen, Dist 4: Transportation)

HB 1562-FN, establishing an uninsured motorist claims fund. (T. Arnold, Hills 20: Commerce, Small Business and Consumer Affairs)

HB 1563-FN-A, imposing a value added tax and repealing certain state and municipal taxes and fees. (Harwell, Coos 7: Ways and Means)

HB 1564-FN, authorizing a resident of a municipality to participate in the municipality's health plan at that resident's own expense. (Kirby, Hills 24; Leonard Smith, Hills 25; Whittemore, Merr 13; Schotanus, Sull 3; St. Martin, Rock 6; Hollingworth, Dist 23: Commerce, Small Business and Consumer Affairs)

HB 1565-FN, adding an exemption from inspections for certain boilers. (Below, Graf 13: Public Protection and Veterans Affairs)

HB 1566-FN, relative to the duties of the secretary of state, including accounting for certain fees. (Gilmore, Straf 11; Flanagan, Rock 14: Constitutional and Statutory Revision)

HB 1567-FN, relative to the medical fee schedule, businesses with 25 or more employees and other aspects of workers' compensation. (R. Hawkins, Belk 3: Labor, Industrial and Rehabilitative Services)

HB 1568-FN-L, requiring the division of public health services to test the air quality in public educational facilities. (Gilmore, Straf 11; Toomey, Hills 30; O'Brien, Straf 4; Cohen, Dist 24: Health, Human Services and Elderly Services)

HB 1569-FN, relative to administrative review of suspended or revoked motor vehicle licenses. (Lozeau, Hills 30; R. McKinley, Straf 2: Corrections and Criminal Justice)

HB 1570-FN-A-L, decreasing the temporary rate of the meals and rooms tax from 8 percent to 7 percent. (Avery, Ches 8: Ways and Means)

HB 1571-A, appropriating funds for renovations to the Brown building. (Calawa, Hills 17; Dunn, Merr 24; G. Chandler, Carr 1; McLane, Dist 15; Shaheen, Dist 21: Public Works)

HB 1572-FN, relative to public employee labor relations and filing fees. (Wadsworth, Graf 14: Labor, Industrial and Rehabilitative Services)

HB 1573, relative to the confidentiality of proceedings for guardianship of a minor. (Holden, Hills 14: Children, Youth and Juvenile Justice)

HB 1574, extending the reporting deadline for certain study committees. (A. Merrill, Straf 8; Cole, Ches 11; Burling, Sull 1; Delahunty, Dist 22; Shaheen, Dist 21: Legislative Administration)

HB 1575-FN, requiring the public utilities commission to investigate the concerns of residents of the town of Goffstown served by the Dunbarton Telephone Company. (Hunter, Hills 7; Bourque, Dist 20: Science, Technology and Energy)

HB 1576, establishing a procedure for medical decision-making on behalf of patients unable to make decisions for themselves. (Record, Hills 27; McLane, Dist 15: Judiciary)

CACR 26, Relating to amending the New Hampshire constitution to provide that registers of probate be appointed instead of elected. Providing that: registers of probate shall be appointed instead of elected. (D. Sytek, Rock 26; Murphy, Hills 42: Constitutional and Statutory Revision)

CACR 27, Relating To: the state judiciary. Providing That: abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. (Hemon, Straf 11: Judiciary)

CACR 28, Relating To: compensation for members of the general court. Providing That: members of the general court shall receive 25 percent of the state's average annual salary, as determined during the previous biennium, for the term elected, and shall receive the usual mileage rate for actual daily attendance on legislative days. (Hemon, Straf 11: Constitutional and Statutory Revision)

CACR 29, Relating To: requiring that the attorney general be elected. Providing That: the attorney general be chosen biennially in the general election. (Hemon, Straf 11: Constitutional and Statutory Revision)

CACR 30, Relating To: executive council members' compensation. Providing That: each member of the executive council shall receive \$200 for the term elected, and shall receive the usual legislative mileage allowance for actual daily attendance at council meetings. (Newman, Rock 4: Constitutional and Statutory Revision)

CACR 31, Relating To: the appointment of county attorneys by the governor. Providing That: beginning in 1997, county attorneys shall be appointed by the governor instead of elected, and shall serve under the direction of the attorney general. (Newman, Rock 4: Constitutional and Statutory Revision)

CACR 32, Relating To: biennial legislative sessions, legislative compensation, and special legislative sessions. Providing That: the general court shall meet biennially and at such other times as the senate and house deem necessary; that presiding officers shall no longer receive the extra \$50 compensation but may receive extra payment for services; that the number of days for which members may receive mileage shall be 3 days per week or 90 days per year; and that 2 sections that permit the governor to adjourn the legislature or to call special sessions shall be repealed. (R. Campbell, Belk 4: Legislative Administration)

CACR 33, Relating To: returning annual legislative sessions to biennial legislative sessions. Providing That: the general court shall meet biennially. (N. Young, Belk 7; Pepino, Hills 40; Barnes, Dist 17; Lovejoy, Dist 6: Constitutional and Statutory Revision)

CACR 34, Relating To: the membership of the senate and house of representatives. Providing That: beginning with the general election in 2002, membership of the senate shall be increased by 25 percent, and membership of the house of representatives shall be decreased by 25 percent. (Below, Graf 13: Constitutional and Statutory Revision)

CACR 35, Relating to: gender-specific language. Providing that: all references to people in the constitution shall be gender neutral. (Gilmore, Straf 11; Fraser, Dist 4: Constitutional and Statutory Revision)

HCR 20, providing that long-term care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives. (Ziegra, Belk 5; K. Foster, Ches 19; R. Foster, Carr 10; J. King, Dist 18; Fraser, Dist 4: Health, Human Services and Elderly Affairs)

HCR 21, urging the New Hampshire congressional delegation to vote against any retroactive taxation. (Hurst, Rock 22; Gorman, Rock 8; Rep. G. Katsakiores, Rock 13; Senter, Rock 16; Cogswell, Carr 5; Barnes, Dist 17; Podles, Dist 16; Colantuono, Dist 14; Lovejoy, Dist 6; Roberge, Dist 9: State-Federal Relations)

HCR 22, urging Congress to limit campaign spending and to keep unalterable records of its proceedings. (St. Martin, Rock 6; Gilmore, Straf 11; Domaingue, Hills 44; N. Young, Belk 7: State-Federal Relations)

HCR 23, relative to the North American Free Trade Agreement. (Owen, Merr 6; Musler, Straf 6; French, Merr 3; Palmer, Sull 11: State-Federal Relations)

HCR 24, designating the month of June as "Porcelain Art Month." (C. Johnson, Belk 1: Resources, Recreation and Development)

HCRR 25, in support of the free transfer of the former Pease Air Force Base. (Splaine, Rock 36; Commerce, Small Business and Consumer Affairs)

HCRR 26, rescinding the 1979 call for a federal constitutional convention. (W. Riley, Ches 7; Boucher, Rock 29; D. Cote, Hills 29; DePecol, Ches 14; Wadsworth, Graf 14; McLane, Dist 15; Hollingworth, Dist 23; Disnard, Dist 8; MacDonald, Dist 3; J. King, Dist 18: State-Federal Relations)

HCRR 27, encouraging federal legislation to recognize atomic veterans. (Cogswell, Carr 5: Public Protection and Veterans Affairs)

HCRR 28, issuing an ultimatum to the federal government regarding the national debt. (Borsa, Hills 24; Gorman, Rock 8; Rothhaus, Hills 18; Warburton, Rock 12; Wheeler, Dist 11: State-Federal Relations)

HCRR 29, clarifying legislative intent on issues of local school board control. (Larson, Graf 8; R. Foster, Carr 10; Wadsworth, Graf 14; Trombly, Merr 4; R. Wheeler, Hills 7; McLane, Dist 15; W. King, Dist 2; Russman, Dist 19; Fraser, Dist 4; Shaheen, Dist 21: Education)

HCRR 30, urging the state board of education to implement courses in the secondary curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect. (Hilliard, Straf 14; W. McCann, Straf 11; Gilmore, Straf 11; Buckley, Hills 44: Education)

HCRR 31, urging that the northern forest of New Hampshire continue to be used to provide jobs for timber industry, recreation, and tourism. (P. Bradley, Coos 6; Mayhew, Coos 2; Ham, Graf 4; Guay, Coos 6; Foss, Coos 1; Coulombe, Coos 7; Lamirande, Dist 1: State-Federal Relations)

HR 41, recognizing July 28, 1994 as Parents' Day. (Buessing, Merr 23; Gagnon, Hills 48; Rothhaus, Hills 18; Welch, Rock 18: Children, Youth and Juvenile Justice)

HR 42, urging the Northeast Ozone Transport Commission to not recommend to the EPA a proposal adopting a low emission vehicle program. (Rodeschin, Sull 4; McRae, Hills 7; Aranda, Rock 13; G. Katsakiores, Rock 13; Guay, Coos 6: Environment and Agriculture)

HR 45, relative to cable television and retransmission consent. (Linda Smith, Belk 5; Salatiello, Belk 2; Bartlett, Belk 6; T. Cain, Belk 3; Ziegra, Belk 5: Science, Technology and Industry)

HR 46, urging that impeachment proceedings be instituted against Strafford county probate judge Gary R. Cassavechia. (Hemon, Straf 11: Judiciary)

HR 47, adopting amendments to the house rule regarding capital spending legislation. (Harwell, Coos 7: Legislative Administration)

HR 48, encouraging the speaker of the New Hampshire house of representatives to establish a study committee on the cost and feasibility of televising sessions and committee meetings of the New Hampshire house of representatives. (DePecol, Ches 14: Legislative Administration)

HR 49, urging the general court to support federal legislation on consumer choice in cable. (Salatiello, Belk 2; Ziegra, Belk 5; Linda Smith, Belk 5; Bartlett, Belk 6: Science, Technology and Energy)

HBI 20, a mandatory sentence for DWI offenders who commit negligent homicide. (N. Young, Belk 7; Salatiello, Belk 2; Linda Smith, Belk 5; Barnes, Dist 17: Corrections and Criminal Justice)

HBI 21, persons with disabilities who are "wait listed" with the department of health and human services. (Burnham, Ches 8; D. Hall, Merr 10; Holmes, Merr 14; Nardi, Hills 39; Copenhaver, Graf 10: Health, Human Services and Elderly Affairs)

HJR 20, urging the Federal Highway Administration to include certain segments of U.S. Route 2 in the new "National Highway System." (Guay, Coos 6; G. Chandler, Carr 1; Horton, Coos 3; P. Bradley, Coos 6; MacDonald, Dist 3; Lamirande, Dist 1: State-Federal Relations)

HJR 21, urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States. (Cogswell, Carr 5; Kennedy, Merr 7: State-Federal Relations)

HJR 22, urging Congress to pass the Federal Mandates Relief Act of 1993. (J. Chandler, Merr 1; Gorman, Rock 8; Delahunty, Dist 22; Disnard, Dist 8: State-Federal Relations)

VACATES

Rep. Bonnie Packard moved that the House vacate the reference of **HB 1194-FN**, relative to the board of accountancy and related professional fees to the Committee on Commerce, Small Business and Consumer Affairs.

Adopted and referred to Executive Departments and Administration.

Rep. Bonnie Packard moved that the House vacate the reference of **HB 1384-FN**, regulating art therapists and authorizing licensing fees to the Committee on Commerce, Small Business and Consumer Affairs.

Adopted and referred to Executive Departments and Administration.

Rep. Donna Sytek moved that the House vacate the reference of **HB 1435**, relative to the penalty for a second or subsequent offense for carrying a pistol or revolver without a license to the Committee on Corrections and Criminal Justice.

Adopted and referred to Public Protection.

Rep. Musler moved that the House vacate the reference of **HB 1502-FN**, removing the fee and certain reporting requirement for persons who wish to sell venison to the Committee on Environment and Agriculture.

Adopted and referred to Wildlife and Marine Resources.

Rep. Robert Foster moved that the House vacate the reference of **HB 1447-FN**, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs to the Committee on Health, Human Services and Elderly Affairs.

Adopted and referred to Executive Departments and Administration.

Rep. Robert Foster moved that the House vacate the reference of **HB 1110**, relative to the qualifications and license waiver period for speech and language pathologists to the Committee on Health, Human Services and Elderly Affairs.

Adopted and referred to Executive Departments and Administration.

Rep. Wadsworth moved that the House vacate the reference of **HB 1138-FN**, allowing free parking for jurors serving at regional jury trial courts to the Committee on Municipal and County Government.

Adopted and referred to Judiciary.

Rep. Welch moved that the House vacate the reference of **HB 1180**, modifying the arson statutes to include wooden covered bridges and increasing the penalty to the Committee on Public Protection and Veterans Affairs.

Adopted and referred to Corrections and Criminal Justice.

SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing an address by His Excellency, Governor Stephen Merrill.

JOINT CONVENTION

(Speaker Presiding)

The Speaker introduced Governor Stephen Merrill who addressed the Joint Convention: Mr. Speaker, Mr. Senate President, members of the General Court, my colleagues on the Executive Council.

This is my first State of the State address. I am proud that Heather is here. This has been a significant year for us in more ways than one. Nothing has been more significant than the birth of our son in April. This address signifies the end of my first year as Governor and provides me with the opportunity to report to you on the state of our State of New Hampshire. In looking back, it also provides us with a unique opportunity to chart the course of our future as a State.

I stand before you today at one of the truly defining moments in our state's history. I shall report to you on the substantial distance that you and I have traveled over the last year, a distance that has produced real improvement in the lives of the people who choose to live in

our State. What has been accomplished in this State House in the past year has also built a foundation for future economic development and progress for the years ahead.

And yet my remarks today, and our optimism today, are tempered by a storm on the horizon brought about by the recent education lawsuit that threatens to shake the social and economic foundation of this State. A storm that can destroy much of what this State is really all about: A State run by its citizens for its citizens.

That is why you and I live, and serve our citizens, at such a significant time in New Hampshire's history.

The course that you and I take in the months ahead will in large part determine whether the uniqueness of New Hampshire shall remain or whether, as some wish, we will become merely a carbon copy of the states around us.

As your Governor I have come here today to tell you that I do not intend to let that happen without a fight.

Each one of the United States has its own traditions and beliefs which form the fabric of life in that state. And although our New England states have a common history and tradition, their philosophy of government has produced very different results in their political leadership, business activity, social mores, and tax policy.

Let's look at the results of the New Hampshire advantage. Over the past year we began to emerge from the most severe and the most prolonged recession since World War II. N.H. Business Review recently summarized our progress as follows: "New Hampshire, everybody agrees, fell the hardest, but is bouncing back faster than the rest of New England."

On the day I became Governor, our unemployment was 8.3 percent. It is now 5.3 percent. Since the day I was sworn in as Governor, 30,000 more people have jobs and are working here in New Hampshire.

Do I, as Governor, deserve the credit for that? No, but we had a significant part in doing things that will help create jobs and economic development in our State. We passed legislation which will truly make a difference in the workplace and help to create jobs. Just as importantly, we refused to pass legislation that would have done just the opposite, raise taxes, raise fees, have more regulations and red tape. No state has come farther down the road of economic recovery, based on where it started, than has the Granite State.

We have done so by turning the attention away from ourselves and onto the backbone of our State, the men and women and the businesses who pay the taxes that permit our State to operate.

That is why on behalf of the taxpayers of this state we should be proud of our budget. That budget represents the hallmark of this administration: performance-based politics that keeps our commitment to the voters. Make few promises but keep the ones you make. That is why our budget meets the needs of the State of New Hampshire and stays within existing revenues. Perhaps Foster's Daily Democrat put it best when it wrote, "A balanced budget means appropriations equal anticipated revenues. Let's hear no more talk of the taxpayers or the State. The taxpayers are the State." To help make New Hampshire grow we said that we would lower taxes and we did.

We can take pride that the state's largest tax, the business profits tax, was dropped to its lowest rate in 14 years. In addition, by closing loopholes with the passage of the business enterprise tax, New Hampshire has become a more equitable state for small business and we have eliminated the multi-million dollar lawsuits that threatened our tax system and took the focus of our debate away from other important issues.

We should feel proud that we also lowered the telecommunications tax, and lowered the real estate transfer tax. We completely eliminated the savings bank tax and the corporate franchise tax. Nevertheless, we were able to do some important things we pledged to our citizens that we could do, balance a budget without an income tax or a sales tax, generate a surplus, send more money back to cities and towns than ever before, and deposit \$21 million in the Rainy Day Fund.

And the next time someone tells you that tax policy and regulatory policy really do not matter, that our state is merely caught in national economic trends and rises or falls accordingly, please remind them that unlike some of our sister states, we are not millions of dollars in debt, but instead we have the healthiest surplus in all of New England by a considerable margin.

And whose population is the fastest growing in New England? New Hampshire. Because of our favorable business and tax climate, our emphasis on the environment, and our quality of life, men and women see New Hampshire as an island of sanity in a sea of rising costs, taxes and red tape. Business NH magazine recently stated, "New Hampshire has a better chance of stability and recovery than the rest of New England. That is because New Hampshire's economy is less defense-dependent than other New England States and its tax structure is more amenable to business."

No broad-based tax. That is the New Hampshire advantage. If we pass a broad-based tax, and experience the big government that has grown in every other state that has passed such a tax, we will lose the New Hampshire advantage. As long as you and I can control the growth of government and hold down spending, we will continue to lead this region out of this recession. Let's look for a moment at the northeast. The states of Connecticut and Vermont and New Jersey all have an income tax; all have a sales tax and all have property taxes. And yet, do you know what is, according to newspapers in those states, generating the focus of debate in Connecticut and Vermont and New Jersey, those states within the northeast compact with New Hampshire? A statewide property tax to be added to the other taxes in the state. Does it make a difference? Ask the men and women and the businesses in those states.

The most important priority for our citizens remains the stability of our tax policy and the restrained size of government it generates. With every additional tax we propose, whether it is for education or for some other worthy goal, we affect our state's industrial, commercial, financial and real estate base. We affect our state's future.

That is why I applaud the Speaker of the House, Harold Burns, and his comments that the priority for this legislative session is to "sit down to see how we are going to deal with our surplus so that it does not create programs that will come back to haunt us." And it is why I also agree with the remarks of Senate President Hough who said, "there is no reason for lawmakers to adopt a supplemental budget that could become a Christmas tree of spending." I will add my own quote as Governor: "To assure New Hampshire's economic growth, I will veto any income tax or sales tax that comes across my desk."

In the coming year we must begin to structure future budgets with an eye toward decreasing Medicaid dollars that may occur in the years ahead. I am amused that those who say we should not take Medicaid dollars from the Federal government are generally the same people who say that we should increase the amount that the Federal government gives back to New Hampshire. I am proud that the health care plan announced last week will provide flexibility to our State against the backdrop of Washington's health care plans and will permit more working poor to become employed without losing their Medicaid benefits.

As Commissioner of Health and Human Services Dr. Harry Bird noted last week, the New Hampshire Health Care Plan and the Health Care transition Fund it creates, make the New Hampshire Health Care Plan a comprehensive state plan and the only one in the nation that is prepaid and fully funded. Once again, we have kept our commitment to the citizens and developed a health care plan that will deal with community rating to lower costs, the elimination of pre-existing denials of coverage for a condition, and voluntary small business purchasing cooperatives.

You may be surprised to learn that even with the Medicaid dollars to New Hampshire, Massachusetts ranks seventh, Maine ninth and Rhode Island eleventh for federal expenditures in their state. New Hampshire ranks forty-fourth. And despite all the rhetoric, New Hampshire still spends more money on Medicaid than we get from the Federal government for Medicaid.

We have kept our commitment to the taxpayers in other areas as well. We have instituted total quality management in state government to be as efficient and effective as possible in delivering services to our people. We are in the process of merging Pease and the Port Authority, and the Pease Development Authority will work in conjunction with the new Manchester AirPark to provide the economic stimulus needed for trade, export and international development.

At the same time, our technical college system is preparing men and women for tomorrow's work force, using the latest technologies and developing New Hampshire's role in the high-tech and communications network that will soon crisscross our State. The creation of the

Governor's Technology Partnership has established a long-term plan for technology deployment, to increase the competitiveness of New Hampshire business and industry.

I am particularly pleased by the success of the Business Roundtables which I will continue to hold throughout 1994. In conjunction with the Department of Resources and Economic Development, these roundtables have taught us how to run New Hampshire's state government with an eye toward each state agency's consumers, the men and women in our state who deal with state government on a regular basis. We have listened to them and we have learned from them. There are a couple of people here that I think deserve our discussion for a moment. B.J. and Verna Perry are here. They run a business right on the outside of the Manchester Airport. They make electronic components and resistors. They sell them in Asia and Japan. Let me repeat that. They don't buy them from Asia and Japan; they sell them in Asia and Japan. They've worked with the Industrial Research Center in New Hampshire. It is an important company doing an exciting thing. But the New Hampshire advantage is that our businesses care about the people. Recently, one of their employees became troubled by emotional tragedy in his life following the death of his wife. He took a gun and he barricaded himself in his home. After he was arrested, no one would go his bail except B.J. Perry. B.J. Perry went to the jail and said if you don't get out of the jail you can't have a job. If you don't have a job you won't get the help that you need. I'm going to go your bail personally. That's the New Hampshire advantage. Thank you Mr. Perry.

Let's talk about creating jobs. During 1993, we received commitments from 39 new companies to move to New Hampshire and assisted with the expansions of many companies which are already here. That is why New Hampshire is creating technology manufacturing jobs at twice the rate of our nearest competitor in the New England states. One of the Wall Street ratings agencies that reviews and ranks New Hampshire has said: "Longer-term, NH's low-cost business climate, above-average population growth, and concentration of high-tech manufacturing will complete the state's recovery, making NH once again one of the fastest-growing states in the U.S."

I am pleased to announce that Dr. Dennis Logue, a Dartmouth economist, will be joining the Governor's office to spearhead economic development initiatives. Dr. Logue has agreed to serve the state during his sabbatical to help focus the priorities of New Hampshire state government on economic development. Dr. Logue will be working with me in implementing the New Hampshire Small Business Dedicated Loan Pool, to accelerate bank lending to small business for working capital and job creation. The pool will contain more than 50 million dollars.

Economic development also means workers' compensation reform, and since the end of the last legislative session we have worked diligently to go beyond the positive savings of managed care and to tackle the unfinished business of workers' compensation. We have done so on a bi-partisan basis. For that reason, the 1993 requested increase in workers' compensation premiums was cut by more than two-thirds and I commend John Crosier and those who have worked on the workers' compensation committee. Your work will save New Hampshire jobs, and we must pass the committee's recommendation and continue to cut workers' compensation premiums to keep New Hampshire competitive. We must build on the success of the pilot project.

Some things in the last year received great attention and some received almost no attention at all. For example, the successful efforts by the Attorney General to settle the nuclear tax case on terms favorable to New Hampshire were forgotten almost immediately. It should not have been so. Almost no one believed that we would resolve that case without an additional half million dollars for private attorneys and the distinct possibility of utility rate increases once the lawsuit was over. Our Attorney General saw to it that this did not occur.

On the other hand, New Hampshire focused public attention on the problem of domestic violence in a new and positive way considering the grimness of the subject. The public dialogue and debate in my opinion will create an even better New Hampshire just as our efforts to deal with drugs, child abuse and our .08 alcohol limits have made us a better New Hampshire. Let us work with the New Hampshire Coalition Against Domestic and Sexual Violence until New Hampshire becomes a model for our region and our nation.

We will spend more time in 1994 talking about crime. We should. But it is important to realize that the rest of the nation is now adopting the strong laws and mandatory minimum sentencing that has kept New Hampshire comparatively free from the violence that is gripping the rest of the nation. Despite the horrors of Newbury, the Associated Press was correct when it referred to New Hampshire as "a safe haven in a violent nation" and pointed out that New Hampshire is one of the few places where the crime rate is actually dropping. Let's continue our vigilance on this important issue and let us never forget about the victims of crime.

Finally, let me close by addressing education since it is on all of our minds this morning. First, the teachers of New Hampshire deserve our thanks, and they deserve our help by making sure that our homes provide academic support and moral and ethical guidance. As you know, I am a product of the New Hampshire public schools, and from my elementary school in Hampton through the University of New Hampshire, I can assure you that education has had a profound impact on my life. I agree with the concept that the state has a duty to support our public schools. That is why I put an additional \$10 million into school financial aid in the last budget.

Every citizen in New Hampshire will be drawn into the upcoming debate on education, for every New Hampshire citizen has a stake in its outcome. The key elements of the debate, as defined by the court decision, will be educational quality and educational financing.

Regarding quality, there are some who believe that educational quality is determined by the amount of state funding and state control. I believe they are wrong. These individuals have long maintained that our extraordinary record of academic excellence in the Scholastic Aptitude Tests (SATs) were somehow not an appropriate measurement of real classroom worth. However, it is important to note that the first national testing in specific subjects verified the quality of New Hampshire's public education system and our SAT scores.

The subjects tested so far have been English, math and reading. The National Assessment Governing Board placed New Hampshire's math scores in the first and highest cluster. Those results were reinforced by a recent study conducted by the U.S. Department of Education which ranked New Hampshire's students among the best in the world in math proficiency. When English was tested, New Hampshire finished in the same top cluster in the national testing on that subject as well.

Finally, according to another organization, the National Assessment of Educational Progress which tested 4th graders in Reading, New Hampshire finished first among the 43 states and territories that agreed to be tested.

Since we have accomplished these results without an income tax or a sales tax, I leave you with two questions: Will any future educational funding mechanism at the state level assure the same high quality of results? If you override my veto, ladies and gentlemen, and you pass an income tax, and you move local control of education up to the state level and we are tested on educational quality and the scores go down, do you believe that the plaintiffs' lawyers will say, "That's OK, we brought a lawsuit regarding educational funding and we've changed that?" We have moved local control to the state level and we've changed that. So these are perfectly acceptable to us." My friends, if we finish in the middle or the lower quadrant of national tests, those lawyers will say, "You must put more money into educational funding in this or that part. You must change this educational idea; you must change that educational policy." That is where we will be for the years to come.

The losers under that process are you, the Legislature, who should be deciding those things, as well as the school children of New Hampshire. That would be an education system run by plaintiffs' lawyers and the court, not duly-elected representatives of the people. Do you believe the lawsuits have stopped in the 31 states that have been sued on this issue? Not at all. Our Supreme Court just wrote: "We do not define the parameters of the education mandated by the constitution as that task is, in the first instance, for the legislature and the Governor." We have no task that is more important to our children or our future.

Ultimately, this is not a question of adequate funding or of fairness in funding, this is a question of more funding. And we should never forget that not one state in this country has ever passed an income tax and lowered property taxes. I do not believe that more money necessarily means higher quality education. I wish it were that simple.

The Boston Globe commented last Sunday on New Hampshire's education funding system and its education quality. It wrote that the New Hampshire Supreme Court had ruled "in a decision that could change New Hampshire more than any election in modern times." I agree it could. The Globe then added: "Some suggest that the state will finally be forced to turn to a broad-based tax. This would be good for New England. A degree of competition among states is healthy, but New Hampshire's unique tax system has generated an excess of squabbling in a region that should be looking for ways to cooperate."

That is exactly what I would say if I were tired of the New Hampshire advantage.

The critics of New Hampshire, its education system, its tax system, are rejoicing. Those who believe that lawyers and the courts should determine our educational future in New Hampshire believe that they will win. Will they? It is not education that is under attack with demands for a new tax to somehow equalize the funding of education. It is an attack on our system of government, on our principles, on our values, on our traditions. It is the local control for which New Hampshire has been famous and for which our results speak for themselves.

In 1993, we were the state voted most livable in the country, the only State ever to win the award more than once, in an announcement that ended as follows: "From education to health, crime to taxes, economy to infrastructure, when all is said and done, New Hampshire is the most livable of the fifty states." Congratulations.

Rep. Ann Torr and Sen. Delahunty moved that the Joint Convention arise.
Adopted and the Joint Convention adjourned.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 444-FN, allowing citizens to register to vote while applying for a driver's licenses, was removed at the request of Rep. DePecol.

HB 193-L, changing the school foundation aid distribution formula, was removed at the request of Rep. Larson.

HB 403, prohibiting cable television companies from charging for more than one cable connection per residence, was removed at the requests of Reps. Linda Smith and Salatiello.

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments, was removed at the request of Rep. Lozeau.

Consent Calendar adopted.

HB 496, making ownership of a pharmacy by certain medical professionals grounds for pharmacy permit suspension or revocation. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: The Committee had two bills relating to the same subject. Since the other bill (HB 457, Chapter 67) is now law, this bill is no longer necessary. Vote 16-0.

HB 544, relative to telephone solicitation. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs: The Federal Communication Commission addresses the problem that HB 544 was introduced for. The Committee feels that it is not necessary to enact a new law in this instance. Vote 16-0.

HB 630-FN, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs: This bill had the intent to promote fire safety. After two subcommittee meetings this amendment was voted 3-0 to pass. The basic idea of fire safety was retained to a degree. Vote 13-1.

Amendment (4023B)

Amend the bill by replacing all after section 1 with the following:

2 New Section; Fire Extinguishers. Amend RSA 266 by inserting after section 60 the following new section:

266:60-a Fire Extinguishers.

I. Every motor vehicle listed below shall be equipped at all times with a fire extinguisher, which shall comply with standards approved by the state fire marshal and the commissioner by rule adopted under 260:5:

(a) All commercially registered motor vehicles weighing over 8,000 pounds, except for municipally owned vehicles.

(b) All motor homes and motor home trailers that have motor vehicle registrations.

II. The driver or owner of any motor vehicle failing to comply with this section shall be guilty of a violation in accordance with RSA 266:5.

3 New Section; Program to Promote Fire Safety Education. Amend RSA 153 by inserting after section 10-b the following new section:

153:10-c Program to Promote Fire Safety Education. The state fire marshal shall establish a program to promote fire safety education and reduce fire loss by working with authorized city, town and village district, fire and building department officials and other state and local agencies to encourage fire-safe practices throughout the state.

4 Report. The state fire marshal shall make recommendations to the speaker of the house and senate president on or before December 31, 1994, regarding further recommendations for legislation concerning public fire education.

5 Effective Date.

I. Section 2 of this section shall take effect January 1, 1995.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill requires certain motor vehicles to be equipped with fire extinguishers.

The bill requires the state fire marshal to establish a program to promote fire safety education.

SB 230-FN, relative to sprinkler systems in residential care homes and supported residential care facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: This bill would have authorized operators of residential care homes and supported residential care facilities to apply for loans from the New Hampshire Housing Finance Authority in order to equip such facilities with fire safety equipment, including sprinkler systems. The Executive Director of the NHHFA states that the authority has no experience with the type of facilities addresses by SB 230 and is therefore unfamiliar with these needs. Also the director has no source of funding for such financing, but estimated this would cost about \$250,000. The committee feels during these hard economic times this bill should be Inexpedient to Legislate. Vote 13-0.

CACR 3, relating to mandated programs. Providing that "the state" shall include the state legislature or any state regulatory agency. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Young for Constitutional and Statutory Revision: The current constitutional amendment (Part I, Art. 28-a already addresses this concern particularly in view of the Supreme Court decision and additional statutory language. Vote 18-0.

HB 145-FN-L, allowing voters in towns to petition to extend the hours of polling. **INEXPEDIENT TO LEGISLATE**

Rep. C. Donald Stritch for Constitutional and Statutory Revision: The committee felt that this bill was covered in HB 411 which was also re-referred. Further, the committee felt that 10 voters should not be empowered to mandate voter hours for an entire town or city. Vote 18-0.

HB 634, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roland E. Hemon for Constitutional and Statutory Revision: Federal law mandating motor-voter registration ultimately will require data processing. The mobility of people today requires quicker processing of registrations and verifications. The study committee will develop the most appropriate system. Vote 17-0.

Amendment (3169B)

Amend the bill by replacing sections 2 and 3 with the following:

2 Membership. The members of the committee shall be as follows:

- I. Two members of the house of representatives, appointed by the speaker of the house.
- II. Two members of the senate, appointed by the president of the senate.
- III. One member appointed by the governor.
- IV. The secretary of state.

3 Meetings. The members of the study committee shall elect a chairperson. The first member of the house of representatives appointed by the speaker shall call the first meeting of the committee. The committee shall meet as often as it deems necessary in such places as it shall determine. Four members of the committee shall constitute a quorum.

HB 683-FN-L, relative to unfunded mandates and removing certain duties of local officials regarding the checklist and voter registration. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Young for Constitutional and Statutory Revision: The committee believes that current discussions with the Speaker and the Governor's office will provide a mechanism for oversight dealing with unfunded mandates. Vote 18-0.

HB 267, establishing the crime of luring a minor. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Corrections and Criminal Justice: Establishing the crime of luring a minor is not necessary because it is already covered under existing statutes. Since this bill is not necessary, we are using it as a vehicle to correct a reference error in the stalking bill. Vote 12-0.

Amendment (3988B)

Amend the title of the bill by replacing it with the following:

AN ACT

correcting a reference in the stalking law.

Amend the bill by replacing all after the enacting clause with the following:

1 Stalking; Reference Error Corrected. Amend RSA 633:3-a, I(d)(5) to read as follows:

(5) After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B or RSA 458:16 or an order that prohibits the person from having contact with specific individuals pursuant to RSA [597:1-a, III] **597:2**, on a single occasion and in violation of the provisions of such order to:

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill corrects a cross-reference in the stalking law.

HB 170-FN-A, authorizing the business finance authority to accept private funds for investment purposes. **REFER FOR INTERIM STUDY**

Rep. Richard T. Trelfa for Economic Development: The central concern of the committee is the important question of what the state can appropriately do to foster capital formation for businesses in New Hampshire. Therefore, the committee voted unanimously to refer it to interim study so it can take the time necessary to do this job well. Vote 12-0.

HB 155-FN-L, charging back the costs of education for children in homes or health care facilities to the sending district. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia M. Skinner for Education: The subject matter in this bill has been addressed and passed in SB 180 (Chapter 322, Laws of 1993). The subject dealt with education costs for children placed in group homes located within a cooperative school district. A subcommittee worked on this and the committee voted unanimously to place an amendment on SB 180 which was in our possession and was presented at the House hearing on SB 180. The committee's concern of liability was addressed in our amendment and inserted a section in the law dealing with group homes. Vote 16-0.

HB 679-FN-L, relative to unfunded mandates, limiting the catastrophic aid liability of school districts, and requiring notice and public hearing of state education plans. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Guest for Education: The committee unanimously agreed with the subcommittee. There is no logic in passing legislation that would increase the current local exposure to catastrophic placement costs or result in an increase in state taxation. If the sponsor feels the costs incurred in effecting this increase in state aid to schools is contrary to the Constitution Article 28-A, the recourse should be in the courts rather than in the Legislature. Vote 11-0.

HB 192, changing the procedure for submission of proposed rules by the air resources division. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Environment and Agriculture: Agreement at the department level to address rulemaking procedures in cooperation with the Air Resources Council eliminates the need for House Bill 192. However, a subcommittee will follow the procedures to make certain the objectives of House Bill 192 are met. Vote 12-0.

HB 161-FN-A, increasing the amount paid to members of the adult parole board and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald O. Gosselin for Executive Departments and Administration: This bill with amendment will increase the number of members to the Parole Board from five to seven. The board shall include at least one female member. In case of parole revocation, an attorney of the board shall be present at the hearing. The board members shall be paid \$100.00 per day, this being an increase from \$50.00 per day. Vote 13-0.

Amendment (3455B)

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the amount paid to members of the adult parole board, increasing its membership, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Parole Board; Compensation and Membership Increased. Amend RSA 651-A:3, I to read as follows:

1. There shall be an adult parole board with [5] 7 members. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. *The board shall include at least one female member.* A vacancy on the board shall be filled for the unexpired term. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his absence. *In the case of a revocation hearing an attorney of the board shall be present at the hearing.* Board members shall be paid [\$50] \$100 a day plus mileage at the state employee rate while engaged in parole hearings or administrative meetings.

2 Appropriation. The sum of \$34,600 for the biennium ending June 30, 1995, is hereby appropriated to the adult parole board for the purpose of compensating the board's members as provided in section 1 of this act. This appropriation is in addition to any other funds appropriated to the adult parole board. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill increases the amount paid to members of the adult parole board.

This bill increases the membership of the adult parole board.

This bill makes an appropriation to pay for the increase in membership and in pay to members of the adult parole board.

Referred to Appropriations.

HB 203-FN-A, authorizing the appropriation of funds to compensate the board of engineers for unforeseen expenses related to investigations and enforcement. **INEXPEDIENT TO LEGISLATE**

Rep. William P. Boucher for Executive Departments and Administration: House Bill 203 and House Bill 439 went to a subcommittee of ED&A. The subcommittee agreed with the

concept of House Bill 203 and folded the bill into House Bill 439, the engineers bill. Therefore, this bill is Inexpedient to Legislate. Vote 13-0.

HB 311, increasing the membership on the New Hampshire retirement system board of trustees. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was re-referred to the committee to review the composition of the trustees of the New Hampshire Retirement System. After reviewing the present composition, which at 13 members is among the largest of the public retirement systems in the country, and RSA 100, the committee feels that the present makeup of the board meets the criteria of the New Hampshire Constitution and RSA 100. The Governor and Council have some discretion in the appointment of public members and appointment of members of the various groups of the system. The present balance is eight system members and five non-system members. This balance is in keeping with the intent of the rules governing the system. The Legislature is represented by one member each from the House and Senate and as with all state programs, the Legislature has oversight and the ability to make corrections when needed. Vote 13-0.

HB 413-FN, relative to plumbers and plumbing. INEXPEDIENT TO LEGISLATE

Rep. Kathleen W. Ward for Executive Departments and Administration: It was the committee's intention to revisit the management of the licensing of plumbers, the inspection system productivity or lack thereof, and investigate the excessive level of complaints from both the public and the trade. It is our intention to use a clean bill coming into the January session to bring out a revamp of the "plumbing" discipline. Therefore, we are continuing fact-finding efforts by the subcommittee. Vote 16-0.

HB 421, relative to reorganization of the executive branch of state government. REFER FOR INTERIM STUDY

Rep. Merton S. Dyer for Executive Departments and Administration: This bill as originally submitted repealed 21-G, guide lines for Executive Department reorganization. The sponsor then submitted an amendment that would have addressed the organizational duties of Commissioners and terms of Commissioners and Directors. The terms of Commissioners is addressed in another re-referred bill, HB 677, but this bill brings to the forefront the organization of certain departments and the terms of some of the Commissioners and Directors. The committee felt this bill had some areas that needed additional research and would fit in well with a reorganization bill being proposed for the 1994 session. For this reason, the committee would like this bill sent to Interim Study so it may reconsider this bill along with any other reorganization bills. The period of time available to research this bill and its impact of proposed reorganization was insufficient to complete this session. Vote 13-0.

HB 439, relative to the profession of engineering. OUGHT TO PASS WITH AMENDMENT

Rep. William P. Boucher for Executive Departments and Administration: This bill renames the "board of engineers" the "board of professional engineers" and sets forth the purpose, jurisdiction, powers and duties of the board. It also authorizes the board to enforce professional requirements, make investigations and take appropriate disciplinary action. A provision is made to hire investigators and other personnel necessary to perform the duties required under this bill. The board also may hire counsel and investigators upon the advice of the attorney general to investigate and prosecute violations. Licensure and accreditation are clarified, and those acts which constitute misconduct are expanded. The right to a hearing and an appeal are set forth. The term "engineer" is redefined as "professional engineer" throughout RSA 310-A, and the term "professional engineering" is redefined as "engineering" in specified sections. Vote 12-0.

Amendment (3456B)

Amend the bill by replacing section 1 with the following:

1 Definitions. Amend RSA 310-A:2, III to read as follows:

310-A:2 Definitions. As used in this subdivision:

III.(a) "*Practice of engineering*" means any professional service or creative work requiring education, training, experience, and the application of advanced knowledge of mathematics and physical sciences, involving the constant exercise of discretion and judgment, to such services or work as consultation, investigation, evaluation, planning, design, responsible [supervision] *oversight* of construction, and responsible [supervision] *oversight* of operation, in connection with any public or private utilities, structure, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned.

(b) The practice of engineering may include the practice of surveying principles which support surveying activities which may be required to aid, verify, or facilitate the sound conception, planning, design, construction, maintenance, and operation of engineering projects by persons licensed under this chapter, but shall exclude the surveying of real property for the establishment of land boundaries, rights-of-way, or easements.

Amend the bill by deleting section 2 and renumbering sections 3-18 to read as 2-17, respectively.

Amend the bill by replacing section 2 with the following:

2 New Sections; Purpose; Regulation. Amend RSA 310-A by inserting after section 2 the following new sections:

310-A:2-a Purpose. To safeguard life, health and property, and to promote public welfare, the practice of engineering in this state shall be regulated by the board of professional engineers.

310-A:2-b Jurisdiction of the Board of Professional Engineers; Regulation of Scope of Practice. No agency or subdivision of the state shall adopt any rule, regulation, standard, code, ordinance, or policy that restricts, limits, or expands the scope of the practice of engineering, which practice shall be within the sole jurisdiction of the board of professional engineers, except as provided in RSA 485-A:4 and RSA 485-A:35.

Amend the bill by replacing sections 4 and 5 with the following:

4 Fees; Rulemaking Specified. Amend RSA 310-A:7 to read as follows:

310-A:7 Fees.

I. The board shall establish fees for examination of applicants, for licenses, for certificates of authorization, for temporary permits, for reissuance of licenses, for renewal of licenses and certificates to practice under this chapter, and for transcribing and transferring records and other services.

II. *The board shall adopt rules under RSA 541-A which establish fees for the following:*

(a) *Application for licensure upon examination.*

(b) *Application for a certificate, temporary permit, or license under RSA 310-A:19 and 20.*

(c) *Biennial renewal for licensed professional engineers.*

(d) *Late reinstatement fee for a late renewal of license.*

(e) *Replacement of lost or mutilated license.*

III. *The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous biennium.*

5 New Paragraph; Authorization. Amend RSA 310-A:8 to read as follows:

310-A:8 Receipts and Disbursements; *Enforcement Costs.*

I. There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this chapter and shall pay the same to the state treasurer [who shall keep such moneys in a separate fund to be known as the "Engineers' Fund". Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only for purposes of this chapter. All moneys in the fund are hereby specifically appropriated for the use of the board]. The secretary of the board shall receive such salary as the board shall determine in addition to the expenses provided for in RSA 310-A:4. The board may employ such *investigators*, clerical and other assistants as are necessary for the proper performance of its work and may make expenditures [from this fund] for any purpose which is reasonably necessary for the proper performance of its duties under this chapter, *including the expenses*

of the board's delegates to meetings of, and membership dues to, the National Council of Engineering Examiners (NCEE). The board may, if it deems necessary, or upon the advice of the attorney general, hire counsel and investigators and pay the expenses of such counsel and investigators for the investigation and prosecution of any violation of this subdivision. Such compensation and expenses shall be paid from the funds of the board. [Under no circumstances shall the total amount of payments made under this section exceed the amount of the fees collected.]

II. With the approval of the attorney general and the governor and council and in the event the cost of enforcement action exceeds the budget in any year, the board is authorized to compensate the board's counsel, assistants and investigators appointed in connection with its activities under RSA 310-A:22, 23, and 25, on warrant of the governor out of any money in the treasury not otherwise appropriated. Any sums so expended shall be included in the computation of fees established for the subsequent biennium.

Amend RSA 310-A:22-b, IV as inserted by section 12 of the bill by replacing it with the following:

IV. Any district court within the jurisdiction of which the inquiry is carried on or within which said person resides or conducts business, upon application by the board, shall have jurisdiction to issue such person an order requiring such person to appear before the board, its members or agent, and to produce evidence, if so ordered, or to give testimony.

Amend the bill by replacing section 14 with the following:

14 Violations. Amend RSA 310-A:25, II to read as follows:

II. It shall be the duty of *the attorney general, all county attorneys, and* all duly constituted officers of the law of this state, or any such political subdivision, to enforce the provisions of this [chapter] *subdivision* and to prosecute any persons violating [same] *those provisions*.

Amend the bill by replacing section 17 with the following:

17 Conduct Constituting a Misdemeanor or Felony. Amend RSA 310-A:25, I(e) to read as follows:

(e) Practice engineering *or to offer, advertise, or hold oneself out to the public as being in the practice of engineering in this state* without a license; or

18 Exemption From Surveying. RSA 310-A:74, I is repealed and reenacted to read as follows:

I. The practice of land surveying principles by a licensed professional engineer, which shall include those support surveying activities which may be required to aid, verify or facilitate the sound conception, planning, design, construction, maintenance and operation of engineering projects by persons licensed under this chapter, but shall exclude the surveying of real property for the establishment of land boundaries, rights-of-way, or easements.

19 Effective Date. This act shall take effect July 1, 1994.

HB 583, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. John J. Sytek for Executive Departments and Administration: Any organization which contracts to do work for the state of New Hampshire must carry liability insurance in the amount of \$250 thousand per person/\$2 million per incident. Small non-profit organizations, such as mental health clinics, find the cost of this level of insurance onerous. Worse, though, than being onerous is that this level of coverage may be unnecessary. The sponsor has testified that no one can remember any suit against such a contractor that ever involved the state. Since, in some cases, these high insurance costs are passed on to the state as part of the contract, lower premiums could actually save the state money. The committee has balanced these considerations and recommends this bill to reduce the liability insurance required of these non-profits to \$1 million per incident/\$2 million in the aggregate. Vote 13-0.

Amendment (3394B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors.

Amend RSA 21-I:14, XV as inserted by section 1 of the bill by replacing it with the following:

XV. The general liability insurance provisions of standard state contracts to reflect that a contractor, which qualifies for nonprofit status under section 501(c)(3) of the Internal Revenue Code and whose annual gross amount of contract work with the state does not exceed \$500,000, shall provide such insurance in amounts of not less than \$1,000,000 per claim or occurrence and \$2,000,000 in the aggregate.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors.

HB 656-FN, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. **OUGHT TO PASS**

Rep. J. Gregory McGrath for Executive Departments and Administration: This bill extends medical benefits to certain members of the retirement system who are in Group II. The bill was re-referred pending a review of funding availability. Final actuarial cost has been determined to be \$1.85 million and the funds are available. Vote 13-0.

Referred to Appropriations.

SB 149-FN, relative to land surveying by proprietorships, corporations or partnerships. **OUGHT TO PASS WITH AMENDMENT**

Rep. William P. Boucher for Executive Departments and Administration: The reason for re-refer was to come up with some flexible teeth in current law to deal with out-and-out forgeries on plot plans before local planning boards. We have tightened up the law and provided the tools to eliminate the practice within the discipline. Vote 13-0.

Amendment (3544B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to land surveying by individual proprietors,
corporations or partnerships.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Individual, Sole Proprietor, Corporate or Partnership Surveying. Amend RSA 310-A:53 by inserting after paragraph III the following new paragraphs:

IV. The practice of or the offer to practice land surveying in this state by individual licensed land surveyors under a proprietorship form or by a corporation or partnership, a material part of the business which includes land surveying, is permitted provided certain personnel of such entity who shall act in its behalf are licensed land surveyors under the provisions of this chapter and provided such entity has been issued a certificate of authorization by the board as provided in this chapter.

V. No such entity shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing land surveying be relieved of responsibility for land surveying services performed by reason of employment or relationship with such entity.

VI. Any entity issued a certificate under this section shall be required to comply with all provisions of this chapter. No individual, partnership or corporation shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing land surveying be relieved of responsibility for services performed by reason of his employment or relationship with a business entity.

VII. Each such entity shall file with the board of licensure a designation of an individual or individuals licensed to practice land surveying in this state who shall be in charge of land surveying by such entity in this state. The person designated shall be a full-time officer, partner, or owner of that entity. Such entity shall notify the board of licensure of any change in the entity's designation within 30 days after such change becomes effective.

Amend the bill by inserting after section 7 the following and renumbering original sections 8 and 9 to read as 12 and 13, respectively:

8 New Paragraph; Violations and Penalties Specified. Amend RSA 310-A:72 to read as follows:

310-A:72 Violations and Penalties.

I. Any person who shall practice or offer to practice land surveying in this state for others without being licensed in accordance with this chapter, or any person presenting or attempting to use as his own the license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a license, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or non-existent or revoked license or authorization, or any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. It shall be the duty of all duly constituted officers of the state and all political subdivisions thereof to enforce the provisions of this chapter and to prosecute any person violating same.

II. *Unless a different penalty is specifically provided, any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$100 nor more than \$3,000, or imprisonment for a term of not less than 30 days nor more than 6 months, for each infraction.*

9 Restraint of Violations; Board Allowed to Bring Action. Amend RSA 310-A:73 to read as follows:

310-A:73 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:72 on proceedings brought by the attorney general, *board of licensure for land surveyors*, or by any society of land surveyors incorporated under the laws of this state.

10 Exemptions; Surveyor in Training Substituted for Subordinate. Amend RSA 310-A:74, II to read as follows:

II. The work of an employee or a [subordinate of] *surveyor in training* for a person holding a license under this chapter, or an employee of a person practicing lawfully under paragraph I, done under the direct responsibility, checking, and supervision of a person holding a license under this chapter or a person practicing lawfully under paragraph I;

11 New Paragraph; Exemptions; Surveying by Professional Engineer Exempted. Amend RSA 310-A:74 by inserting after paragraph IV the following new paragraph:

V. The practice of surveying by a professional engineering corporation, partnership, or proprietorship, provided that such entity employs a full-time, licensed land surveyor.

Amend the bill by replacing section 13 with the following:

13 Effective Date. This act shall take effect 60 days after its passage.

SB 215-FN, providing a cost of living adjustment for group II permanent firemen members of the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was re-referred to determine if there would be sufficient funds available when the amount of the Special Account was known in October. This bill would have provided COLAs for the firemen members of Group II of the New Hampshire Retirement System. In this bill, the amount of the COLA was variable depending on the amount in the Special Account up to a maximum of 5 percent. Two bills were re-referred to the committee pertaining to COLAs for the firemen. House Bill 414 was the bill selected to provide a COLA for the firemen beginning in January 1994. Vote 12-0.

HCR 5, urging the federal government to pay \$50 to AFDC recipients for each time period represented by the amount in arrears. **INEXPEDIENT TO LEGISLATE**

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: No testimony was given in support or in opposition to the bill. Vote 11-0.

HB 401, rejecting the "fireman's rule" in New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood for Judiciary: Senate Bill 109 (Chapter 261) was enacted in 1993 and codified recent NH Supreme Court decisions relative to the "fireman's rule" thereby making this bill unnecessary. Vote 16-0.

HB 480, limiting the liability of landowners who allow their land to be used for outdoor recreational or educational purposes. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth A. Moore for Judiciary: After much discussion it was decided that this bill has significant problems. The Society for Protection of NH Forests, the moving force behind HB 480, agreed that it would be advantageous to submit a different bill in a later session. Vote 15-0.

HB 545, authorizing the state to enforce domestic violence protective orders issued in other states. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood for Judiciary: The passage of House Bill 476, establishing the crime of stalking and authorizing the state to enforce domestic violence protective orders in other states, covers the subject matter of House Bill 545. Vote 17-0.

HB 579, relative to the right of police officers to recover for injuries caused by the wanton or willful conduct of others. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood for Judiciary: Passage of Senate Bill 109 in 1993 codified recent N.H. Supreme Court decisions relative to the "firemen's rule" thereby making this bill unnecessary. Vote 15-0.

HBI 1, relating to wiretapping and eavesdropping. INEXPEDIENT TO LEGISLATE

Rep. Henry P. Mock for Judiciary: Members from three House policy committees met on this issue and concluded not to attempt an extensive re-write of our wiretap laws at this time. However, we did address the issue of emergency wiretaps with proposed new legislation. Since the study required by HBI 1 already had been completed, it is reasonable to now find it Inexpedient to Legislate. Vote 17-0.

SB 235-FN-L, relative to involuntary emergency admissions. INEXPEDIENT TO LEGISLATE

Rep. Edward M. Gordon for Judiciary: The provisions of SB 235 have already been incorporated into New Hampshire law. There is no need for this legislation. Vote 16-0.

SB 143-FN, establishing a process for policy analysis of state agencies and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Leona Dykstra for Legislative Administration: The committee felt that setting up a new division in LBA would be redundant and too costly to implement. Also that paid staff should not be making policy decisions that should be made by the Legislature. Vote 12-0.

HB 325, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Municipal and County Government: This bill, as amended, defines the term of ownership of real estate, and says that "owner", "owned", or "own" shall include those who have equitable title or the beneficial interest for life in the subject property. It also clarifies the options for exemption or tax credit. Vote 16-0.

Amendment (3736B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition of "Ownership of Real Estate". Amend RSA 72:29 by inserting after paragraph IV the following new paragraph:

V. For purposes of RSA 72:28, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 39, 43-b, 43-f, 43-h, 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner", "owned" or "own", shall include those who have equitable title or the beneficial interest for life in the subject property.

2 Application for Exemption or Tax Credit. RSA 72:33 is repealed and reenacted to read as follows:

72:33 Application for Exemption or Tax Credit.

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 39, 43-b, 43-f, 43-h, 62, 66, and 70 unless he shall have filed with the selectmen or assessors, on or before April 15 of some year, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is duly qualified and is the true and lawful owner of the property on which the exemption or tax credit is claimed.

II. Any person who changes his residence after filing such a permanent application shall file an amended permanent application on or before the April 15 immediately following his change of residence. The filing of the permanent application shall be sufficient for said persons to receive these exemptions or tax credits on an annual basis so long as the applicant does not change his residence.

III. If the selectmen or assessors are satisfied that the applicant has willfully made any false statement in the application to obtain an exemption or tax credit, they may refuse to grant the exemption or tax credit.

IV. If any person, otherwise qualified to receive an exemption or tax credit, shall satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing a permanent application or amended permanent application on or before April 15 of the year in which he desires the exemption or tax credit to begin, said officials may receive said application at a later date and grant an exemption or tax credit granted after the local tax rate has been approved for that year.

V. In addition to the above requirements, applicants for exemption who claim ownership pursuant to RSA 72:29, V shall file with their application an additional statement signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing they meet the requirements of RSA 72:29, V.

VI. The assessing officials may require applicants for any exemption or tax credit to file the information listed in RSA 72:34, or the statement required by RSA 72:33, V periodically but no more frequently than annually. Failure to file such periodic statements may, at the discretion of the assessing officials, result in a loss of the exemption or tax credit for that year.

3 Repeal. The following are repealed:

I. RSA 72:33-a, relative to application for exemption or tax credit by a beneficial interest owner of a trust.

II. RSA 72:42, relative to application for elderly exemptions.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows persons who have equitable title or the beneficial interest for life in property to claim certain property tax exemptions.

The bill consolidates requirements for application for exemption or tax credit into one statutory section.

HB 370, establishing a local government advisory committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Municipal and County Government: Although lines of communication between the various branches of state government currently exist, establishing a formal committee with a legislative charge will widen and broaden the intergovernmental discussion of ideas and concerns. Vote 13-3.

Amendment (3420B)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Local Government Advisory Committee. Amend RSA by inserting after chapter 19-E the following new chapter:

CHAPTER 19-F

LOCAL GOVERNMENT ADVISORY COMMITTEE

19-F:1 Committee Established. There is hereby established a local government advisory committee to consist of the following members:

I. One senator, appointed by the senate president.

II. One house member, appointed by the speaker of the house.

III. The governor.

IV. Five county officials, appointed by the New Hampshire Association of Counties.

V. Five municipal officials, appointed by the New Hampshire Municipal Association.

19-F:2 Duties. The committee shall meet quarterly, or more often as necessary, with the governor and legislative leaders to exchange views on issues of intergovernmental concern. Committee membership shall be voluntary and members shall not be compensated for their services.

19-F:3 Meetings; Chair. The first meeting shall be called by the governor within 30 days after the appointment of all committee members. The committee shall choose from among its members a chair, vice-chair, and clerk. Subsequent meetings shall be at the call of the chair subject to the provisions of RSA 19-F:2.

19-F:4 Terms of Office.

I. The terms of the governor and legislators appointed under RSA 19-F:1 shall be coterminous with their gubernatorial and legislative terms. Of the remaining members the initial appointments shall be as follows:

(a) Three members appointed under RSA 19-F:1, IV and V shall serve 3 years.

(b) Two members appointed under RSA 19-F:1, IV and V shall serve one year.

II. Upon the expiration of the term of any member appointed under RSA 19-F:1, IV and V, the successor members shall serve a term of 3 years.

19-F:5 Reports. The committee shall make reports to the governor and the legislature from time to time as may be required by the governor or legislature.

HB 410-L, relative to the election of town officers and the appointment of a deputy town treasurer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. Golden for Municipal and County Government: This bill addresses the procedure for swearing-in newly elected town officers, and allows the local legislative body to adopt its own procedure. The bill allows the town treasurer to select a deputy treasurer with the approval of the selectmen, assuring that the individual so selected will be qualified and benefit the municipality as a whole. Vote 16-0.

Amendment (3735B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the appointment of a deputy town treasurer
and the swearing in of town officers.

Amend the bill by replacing all after the enacting clause with the following:

1 Appointment of Deputy Town Treasurer. RSA 41:29-a is repealed and reenacted to read as follows:

41:29-a Deputy Treasurer. Each town may have a deputy treasurer who shall be qualified in the same manner as the town treasurer and who shall perform all the duties of the town treasurer in case of the treasurer's absence by sickness, resignation, or otherwise. A deputy treasurer shall be appointed by the town treasurer with the approval of the board of selectmen.

2 Swearing in of Officers. RSA 42:3 is repealed and reenacted to read as follows:

42:3 Swearing in of Officers. The local governing body may determine the time for the taking of the oath required by RSA 42:1 by any person chosen to office, but in no case shall it be prior to the expiration of the recount period provided in RSA 669:30.

3 Notice to Take Oath. Amend RSA 42:4 to read as follows:

42:4 Notice to Take. The town clerk shall [forthwith, after the choice of any town officers, by a precept under his hand,] *immediately, or in accordance with the time adopted by the*

governing body, if one has been adopted direct a constable or police officer to notify the persons so chosen *or notify such persons by registered mail, return receipt requested*, to appear before [him] *the clerk* within 6 days after receiving the notice, and take the oath by law prescribed. The officer shall, within 4 days, give personal notice to the persons therein named, or leave a notice in writing at the abode of each, and make return of the precept and of his doings therein to the town clerk within 6 days.

4 Penalty for Neglect to Appear. Amend RSA 42:6 to read as follows:

42:6 Penalty for Neglect to Appear. Every person so chosen and notified, not by law exempt from serving, who shall neglect, for 6 days after personal notice, or notice left at [his] *the person's* abode, or after [his] *the person's* return in *the* case [he was absent] *of absence* when such notice was left, *but in no case later than 30 days after the person's election* to appear before the town clerk and take the oath, shall be guilty of a violation and any fines shall be appropriated as in RSA 42:5.

5 Failure to Take Oath Creates Vacancy. Amend RSA 652:12, IV to read as follows:

IV. *Fails or* refuses to take the oath of office *within the period prescribed in RSA 42:6* or to give or renew an official bond if required by law; or

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows local governing bodies to determine when the oath of office for town officials must be taken.

The bill prescribes methods of notice that the oath is to be taken.

The bill also allows the town treasurer to appoint a deputy town treasurer with the approval of the board of selectmen.

HB 525, relative to city budgets for school districts. INEXPEDIENT TO LEGISLATE

Rep. Clair A. Snyder for Municipal and County Government: The bill was determined Inexpedient to Legislate since it would not provide the remedy sought by the sponsor. The problem is being approached from a different angle through new legislation. Vote 16-0.

HB 618-FN-L, limiting the amount a town or city may receive from sale of property taken in default of redemption. INEXPEDIENT TO LEGISLATE

Rep. Gabriel J. Daneault for Municipal and County Government: The subcommittee considering this bill reported that, while it has some merit, it would create administrative problems for municipalities. The full committee agreed. Vote 12-4.

HB 680-FN-L, relative to unfunded mandates and removing the requirement that a town give notice to certain landowners prior to the discontinuance of certain highways. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: Notification of abutters relative to discontinuance of roads is not only common courtesy, but good policy. To remove this requirement would result in an abrogation of the municipality's responsibility to its citizens. Vote 16-0.

SB 27, establishing a committee to study the apportionment of county taxes. REFER FOR INTERIM STUDY

Rep. Paula E. Bradley for Municipal and County Government: The committee feels that this is an issue which needs continued study. We would like to focus in depth in several areas, including this one, within our own committee before deciding whether a special study committee is needed. We have begun an internal study of county government issues which continues. Vote 15-1.

SB 183-FN-L, requiring the tax collector to notify certain mortgagees prior to execution of a tax deed. INEXPEDIENT TO LEGISLATE

Rep. Patricia L. Cote for Municipal and County Government: Banks already have been notified several times prior to execution of a tax deed. This bill may not solve the problem. There is existing remedy under the law when a deed is drawn. The committee encourages the New Hampshire Bankers Association and the New Hampshire Tax Collectors Association to work together to solve this situation. Vote 16-0.

HB 523, requiring emblems to assist firefighters to be placed on certain buildings. **INEXPEDIENT TO LEGISLATE**

Rep. James J. Fenton for Public Protection and Veterans Affairs: While the bill is well-intended, the committee felt the evidence presented did not support this legislation. Vote 11-0.

HB 569-FN-L, relative to flammability testing of seating furniture manufactured for public buildings. **INEXPEDIENT TO LEGISLATE**

Rep. James J. Fenton for Public Protection and Veterans Affairs: Lack of support by the firefighting community indicated the present manufacturers' requirements address the intent of this legislation. Vote 14-0.

HB 688, relative to the felonious use of crossbows. **INEXPEDIENT TO LEGISLATE**

Rep. James J. Fenton for Public Protection and Veterans Affairs: The language is verbatim to current RSA. No need to reinvent the wheel. Vote 11-0.

HB 647, requiring the department of transportation to study the feasibility of a bypass around the town of Troy and to reconstruct the N.H. Routes 9 and 119 bridges over the Connecticut river and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Edwin O. Smith for Public Works: This bill called for highway improvements in Cheshire County. When the Governor's Commission on Highways reported its 10-year plan it was essentially the same as this bill. Thus this bill is not necessary. Vote 18-0.

HB 517-FN, to establish a statewide bingo game. **INEXPEDIENT TO LEGISLATE**

Rep. Lynn C. Horton for Regulated Revenues: The only person who showed interest in this bill was the sponsor. Vote 14-0.

HB 154-FN, modifying the definition of high tide as it applies to wetlands. **INEXPEDIENT TO LEGISLATE**

Rep. Eugene Ritzo for Resources, Recreation and Development: House Bill 154 is a sea-coast high tide designation bill solely designed to outline for the NHDES Wetlands Board and the public, a measurable and observable location of the seashore high tide line. Wide misunderstanding and non-acceptance of the purpose of HB 154 combined with public outcry of segments of the NH beach-using citizens so confused the issue that the subcommittee (after a series of public hearings, receipt of numerous protesting letters and petitions) decided not to recommend the bill (11-0 vote). Vote 16-0.

HB 502, relative to public trust water rights in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Janet M. Conroy for Resources, Recreation and Development: The subcommittee met several times with interested parties concerning the definition of Public Trust and Public Water Rights. It was determined that references on this subject already exist throughout the statutes and until such time as a crisis or a challenge arises, nothing should be changed. Vote 17-1.

HB 678-FN, relative to unfunded state mandates and exempting political subdivisions from certain administrative fines. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Kirby for Resources, Recreation and Development: The sole effect of HB 678-FN would be to exempt municipalities from any liability by fines for refusing to safely operate or maintain a municipally-owned dam. Any municipality subject to fine must first elect to own the dam and second to maintain it in an unsafe manner. The committee finds that no state mandate arises in this circumstance. Public safety requires that responsible oversight criteria apply equally to both the private and public owners of dams. The public safety is served by maintaining for municipalities the present requirements of RSA 482 for dam safety. This in the absence of any conflict with the unfunded state mandate requirement. Vote 18-0.

SB 129, relative to the overnight use of vessels and prohibiting the discharge of sewage into certain waters. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah F. Merritt for Resources, Recreation and Development: Senate Bill 129 would have clarified the overnight use of houseboats and would have transferred enforcement from the Division of Water Supply and Pollution Control to the Department of Safety Services. Due

to an ability of all interested parties to reach consensus on the purpose and intent of the bill, the committee recommends the bill be found Inexpedient to Legislate. Vote 16-0.

HB 123, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederic A. Foss for Science, Technology and Energy: The State of New Hampshire needs to conform on a timely basis with federal government metric goals. The committee's feasibility report is due November 1, 1994. Vote 8-0.

Amendment (3983B)

Amend the bill by replacing section 2 with the following:

2 Membership. The committee shall be composed of the following:

- I. Two house members, appointed by the speaker of the house.
- II. Two senators, appointed by the president of the senate.
- III. The commissioner of transportation, or designee.
- IV. The commissioner of safety, or designee.
- V. The attorney general, or designee.

Amend the bill by replacing all after section 3 with the following:

4 Report. The committee shall submit a report evaluating the feasibility of including metric linear measures and metric values in weight and speed regulations and recommendations for legislation to the governor, the speaker of the house and the senate president by November 1, 1994.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to evaluate the feasibility of including metric linear measures and metric values in weight and speed regulations. The committee shall submit its report, including any recommendations for legislation, to the governor, the senate president and the speaker of the house by November 1, 1994.

This bill is a request of the department of transportation.

HB 127-FN, relative to private lease of state railroad real estate. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward J. Crotty for Transportation: This bill allows the Bureau of Railroads and Public Transportation, Department of Transportation, to lease state-owned railroad properties on the shores of public waters to adjacent property owners for private, noncommercial use. The fee for the access lease is \$5.00 per running foot. This bill is a request of the Department of Transportation. Vote 15-0.

Amendment (3708B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Leasing Certain Portions of Railroad Properties. Amend RSA 228 by inserting after section 57 the following new section:

228:57-a Leasing Certain Portions of Railroad Properties.

I. Notwithstanding RSA 228:57, portions of real estate owned by the state and managed by the bureau of railroads and public transportation in the department of transportation that are on the shores of public waters, as defined by RSA 271:20, may be leased for private, noncommercial use by owners of adjacent properties separated from the shore only by the railroad land, as long as such use does not interfere with railroad operations. Any property owner meeting the requirements of this section may request in writing to be allowed to lease such property from the state. However, when the adjacent property is owned by more than one individual, such as a condominium association, the association, only as a single entity, may request the lease. In no case shall more than one access point to the leased property be allowed.

II. The provisions of RSA 4:40, requiring first offering the land for lease to political subdivisions, shall not apply to this section. However, leases shall continue to be approved by the council on resources and development and the long range capital planning and utilization committee, before final approval by the governor and council.

III. Leases shall be for a period of not more than 5 years.

IV. The cost of the lease shall be \$5 per running foot per year, paid annually.

V. Leases may be renewed after the initial lease period has expired, provided that the use of the leased property has and will remain noncommercial and private, payments have been made by the lessee according to the lease, and the activity of the railroad remains at approximately the same level or lower. The cost for the lease shall be reviewed. Such lease renewals shall not be for more than 5 years at a time.

VI. The annual income from such leases shall be deposited into the special railroad fund established by RSA 228:68, and shall be appropriated to be expended as set forth in RSA 228:69.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows the bureau of railroads and public transportation, department of transportation, to lease state-owned railroad properties on the shores of public waters to adjacent property owners for private, noncommercial use.

This bill is a request of the department of transportation.

Referred to Ways and Means.

HB 210, limiting the use of off highway recreational vehicles near occupied residences. **ought to pass with amendment**

Rep. Sherman A. Packard for Transportation: House Bill 210 limits the use of OHRVs that are designed, constructed, and sold for closed course competition. It also prohibits the use of such OHRVs without the abutter's permission within 500 feet of abutter's property line unless the exhaust system is modified to comply with noise level provisions of the law. Vote 12-0.

Amendment (4056B)

Amend the bill by replacing all after the enacting clause with the following:

1 Operation of OHRVs Prohibited for Certain Areas. RSA 215-A:12, V is repealed and reenacted to read as follows:

V.(a) No person shall operate in this state an OHRV which is designed, constructed and sold solely for closed course competition, within 500 feet of an abutter's property line without the permission of the owner or tenant of such property. The provisions of this paragraph shall not apply to OHRVs operated at approved OHRV competitions, in the case of an emergency, when using such vehicles on state trails or private trails in conjunction with state trails, or when the exhaust system is modified to comply with the provisions of RSA 215-A:12, IV and RSA 224:52. Permission may be given to an individual or to a club.

(b) For the purposes of this section "abutter" means any person who owns property adjacent to, or across a road, railroad, or stream from the property on which OHRVs are permitted.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits any person from operating an OHRV, which is designed solely for closed course competition, within 500 feet of an abutters property line without the permission of the owner or tenant of such property.

HB 586-FN, exempting certain OHRVs from registration fees. **INEXPEDIENT TO LEGISLATE**

Rep. Thaddeus E. Klemarczyk for Transportation: The committee felt that allowing use of off highway recreational vehicles for agriculture purposes and be exempted from registration fees would only create a problem for the Department of Fish and Game and the Division of Motor Vehicles. However, the committee was in agreement that OHRVs possibly could be placed in a separate category if the machines were exclusively used to groom trails. This could be acted upon in new legislation at some point in time. Vote 15-0.

HB 610-FN, requiring the development of plans and procedures for the coordination of marine patrol law enforcement activities on New Hampshire tidal waters and requiring the

marine patrol to use the Coast Guard equipment standards on New Hampshire tidal waters exclusively. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth W. Malcolm for Transportation: House Bill 610 requires all vessels operating on tidal waters to comply with Coast Guard equipment requirements in 33 cfr 175 and 44 cfr 25 exclusively. "Tenders," as so defined, must be registered with a primary vessel number. Vote 12-0.

Amendment (3799B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring joint registration for primary craft and their tender.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Vessels Operating on Tidal Waters. Amend RSA 270:12-a by inserting after paragraph IV the following new paragraph:

V. All vessels and their registered tender operating on New Hampshire's tidal waters shall comply with Coast Guard equipment requirements in 33 CFR 175 and 44 CFR 25, exclusively.

2 New Paragraph; Definition Added. Amend RSA 270-E:2, by inserting after paragraph XI the following new paragraph:

XI-a. "Tender" means any small motorized vessel with less than a 5 horsepower engine less than 9 feet in length and used primarily for transportation to and from a primary vessel to which it is registered.

3 New Paragraph; Joint Registration for Primary and Tender Vessels. Amend RSA 270-E:3 by inserting after paragraph VIII the following new paragraph:

IX. The department shall furnish joint registration numbers to any person registering a primary vessel and a tender vessel. The tender vessel shall bear the same registration number as the primary vessel followed by a dash and the numeral one, written as "-1".

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires primary vessels and tender vessels to bear the same registration number. The number displayed on the tender vessel shall be followed by a dash one.

This bill also requires vessels and their registered tender, operating on New Hampshire tidal waters to comply with the Coast Guard equipment standards in 33 CFR 175 and 44 CFR 25.

HB 527, relative to limiting the taking of deer in Rockingham county. **INEXPEDIENT TO LEGISLATE**

Rep. Linda A. Smith for Wildlife and Marine Resources: The Committee unanimously agreed the limiting of taking deer by a muzzle loading rifle "only" in Rockingham County is not the law needed for game control and civilian safety. Vote 13-0.

HB 670-FN, repealing the authority of the fish and game department to regulate the taking and sale of clams, clam worms, and oysters and granting municipalities such authority. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Wildlife and Marine Resources: The Committee felt this legislation is not necessary as present state laws are adequate. Vote 13-0.

SENATE MESSAGE

CONCURRENCE

HB 1577-L, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon.

REGULAR CALENDAR PART I

(Appropriations, Ways and Means and Executive Departments and Administration)

SPECIAL ORDERS

Reps. Ann Torr and Buckley moved that **HB 442-FN**, creating the New Hampshire trade port commission and **HB 625-FN**, relative to the sale of fireworks and levying a tax thereon be made special orders for the afternoon session.

Adopted.

REGULAR CALENDAR PART I (Cont'd.)

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: The Committee has determined that **HB 639** is the fairest most practical way to provide a solution for this long standing problem. The amendment has been agreed to by all interested parties. Vote 15-1.

Amendment (3629B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Board Established. Amend RSA 205-A by inserting after section 24 the following new subdivision:

Board of Manufactured Housing

205-A:25 Board Established; Members; Terms; Chairperson.

I. There is hereby created a board of manufactured housing consisting of 12 members. The members of the board shall be:

- (a) Three public members, appointed by the governor.
- (b) Two members of the house of representatives, appointed by the speaker of the house.
- (c) Two members of the senate, appointed by the president of the senate.
- (d) One member appointed by the governor, from a list of 2 persons nominated by the New Hampshire Manufactured Housing Association.
- (e) One member appointed by the governor, from a list of 2 persons nominated by the New England Manufactured Housing Association.
- (f) One member appointed by the governor, from a list of 2 persons nominated by the Mobile Homeowner Tenant Association.
- (g) One member appointed by the governor who is a resident of a manufactured housing park who is not a member of the Mobile Homeowner Tenant Association.
- (h) One member of the New Hampshire Bar Association, appointed by the president of such association.

II. Except for the legislative members, each person shall serve for a 3-year term and until a successor is appointed and qualified, provided, however, that the initial appointments shall be as follows: the 3 public members shall be appointed to 3-year terms, the resident of a manufactured housing park shall serve a 2-year term and the members from the housing associations, the tenants association and the bar association shall serve one-year terms. The legislative members shall serve terms which are coterminous to their terms in the general court.

III. The chairperson shall be chosen from among the members at the initial organizational meeting and shall serve at the pleasure of the members of the board.

IV. If there is a vacancy on the board, the provisions of RSA 21:33-a and 21:34 shall apply to the public members, as well as to the members appointed pursuant to subparagraphs I(d) through (h). If there is a vacancy in the members appointed by the president of the senate or the speaker of the house, the president of the senate or the speaker of the house shall appoint additional members to fill the vacancy.

V. If any member of the board misses 3 consecutive meetings, without cause, the board shall inform the appointing authority in writing and the appointing authority shall appoint a new member to the board within 60 days from the receipt of the written notification.

VI. The board shall hold meetings every 90 days and may meet more frequently as deemed necessary by the board.

205-A:26 Quorum, Disqualification of Members; Compensation.

I. A majority of the board shall constitute a quorum to conduct hearings, and a vote of at least 4 members present and voting in favor shall be required to adopt and approve any matter under consideration.

II. A board member may disqualify himself relative to any matter before the board, or if the board votes that any member has or may have a conflict of interest in any matter before the board, that member shall be disqualified to sit as a board member on the particular matter. The board may hear the matter if it has a quorum. If the board does not have a quorum, the governor shall appoint an additional public member to hear the particular matter pending before the board.

III. The legislative members of the board shall receive legislative mileage. The remaining members shall receive mileage at the state employee rate.

205-A:27 Jurisdiction; Procedure.

I. The board shall hear and determine matters involving manufactured housing park rules, specifically RSA 205-A:2, RSA 205-A:7, and RSA 205-A:8.

II. Notwithstanding any other provision of law to the contrary, the board shall not have jurisdiction over any issues relative to rent or rental increases or jurisdiction over evictions.

III. Nothing in this subdivision shall preclude the right of the board to use the services of a mediator to resolve a dispute involving manufactured housing park rules.

IV.(a) Any resident of a manufactured housing park or any owner of a manufactured housing park may petition the board by filing a complaint with the board and paying a \$25 filing fee which shall be used to defray the costs of the board. Such filing fee may be waived by the board if the board determines that such fee will cause an unfair financial burden on the petitioner. After review of the claim and a decision by the board that the matter has merit and is not frivolous, the board shall schedule a hearing within 60 days from the receipt of the claim. If the board finds the claim to be without merit or to be frivolous, it shall dismiss the complaint and explain in writing to the complainant its reasons for dismissing the complaint.

(b) The board shall serve notice, in writing, of the time and place of the hearing upon all appropriate parties at least 20 days prior to the date of the hearing. Both parties to the complaint may be represented by counsel.

(c) All hearings held by the board shall be held pursuant to RSA 541-A:16-21 unless such proceedings are specifically inconsistent by the provisions of this subdivision. All hearings of the board shall be subject to the provisions of RSA 91-A. The board shall not be bound by common law or statutory rules of evidence but may admit all testimony having a reasonable probative value. It may exclude evidence which, in the opinion of the board, is immaterial, irrelevant, or unduly repetitious.

205-A:28 Decisions; Judicial Review and Enforcement.

I. When the board makes its decision, an order shall be made in writing and shall include findings of facts. The findings of facts shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The parties shall be notified by mail of any decision or order.

II. After a decision of the board, the board shall, at the request of either party or upon its own motion, file a certified abstract thereof with the clerk of the superior court in the county of residence of the complainant. The clerk of the court shall enter judgment thereon, and such judgment may be enforced in the same manner as any final judgment of the superior court.

III. A decision by the board may be appealed, by either party, to the superior court or, at the appellant's option, pursuant to RSA 541.

IV. Any party to or participating in the action and proceeding before the board may apply for a rehearing and may appeal to the superior court for the county in which either party resides in the same procedure as provided for appeals in RSA 677:2-14 inclusive. Service of the appeal shall be made on any member of the board, and the superior court shall have the same jurisdiction to dispose of the appeal as provided in RSA 677:2-14 governing appeals.

205-A:29 Meetings and Records. The board shall hold meetings in Concord, New Hampshire. The records of the board shall be maintained at the office of the Granite State Association of Non-Profits or a successor non-profit organization.

205-A:30 Notification and Cooperation Required. The board shall notify the bureau chief of the consumer protection and antitrust bureau, department of justice that the board may accept and act on written complaints properly forwarded to it by such bureau relative to manufactured housing.

205-A:31 Fund Established. Notwithstanding RSA 6:12, the amount raised under RSA 205-A:27, IV(a) and all appropriations shall be kept by the board in a special fund known as the

manufactured housing board fund to be used exclusively for the administrative costs of the manufactured housing board and shall not be diverted for any other purpose.

205-A:32 Rulemaking. The board shall adopt rules under RSA 541-A relative to the administration of the manufactured housing board fund established in RSA 205-A:31 and any other matter necessary to the administration of this subdivision.

2 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) Moneys received under RSA 205-A:25 - 205-A:31, which shall be credited to the manufactured housing board fund.

3 Appropriation. The sum of \$10,000 for the fiscal year ending June 30, 1994, is hereby appropriated to the board established in section 1 of this act for its startup costs. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

4 Nomination to the Board of Manufactured Housing. All nominations for membership to the board, established in RSA 205-A:25, I, which require the governor's appointment, shall be submitted to the governor within 60 days from the effective date of this act, and the governor shall appoint the member to the board within 60 days from the receipt of the nominations. If no nomination is necessary under the provisions of this act, then the appointments shall be made within 60 days from the effective date of this act.

5 Applicability. The board shall begin to hear matters involving manufactured housing park rules within 120 days of passage of this act.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a board of manufactured housing to address grievances of tenants and owners of manufactured housing parks. The board does not have jurisdiction over issues relative to rent or eviction.

The manufactured housing board is to be funded through a filing fee.

The bill makes an appropriation for the board's startup costs.

Adopted.

Report adopted and referred to Executive Departments and Administration.

HB 260-FN-A, establishing a used oil collection act program and an automotive oil road toll to fund such program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard O. Wasson for Environment and Agriculture: House Bill 260 establishes a used oil collection program and an automotive oil fee to fund such program. This bill will provide assistance to municipalities in the establishment and/or enhancement of used oil collection centers throughout the state to make it convenient and environmentally safe for residents to dispose of such oil. The funding for this program is to be by way of a \$0.04 per gallon fee charge to distributors on all virgin automotive oil coming into our state. Vote 15-0.

Amendment (3914B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a used oil collection program and an automotive oil fee to fund such program.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. The general court finds and declares that millions of gallons of used oil are generated each year in the state and that this oil is a valuable resource which can be utilized as a source of energy or as re-refined products. Despite this potential value, a significant amount of used oil is improperly disposed of resulting in environmental pollution and a waste of valuable resources.

II. The general court finds that although there is an existing system for the collection and recycling of used oil generated by business and industry, private citizens have only limited access to that system and often dispose of their used oil on land or in landfills, sewers, drainage systems, septic tanks, surface or ground waters and elsewhere.

III. It is the intent of the general court to reduce the amount of improperly disposed used oil by:

(a) Providing grant money to political subdivisions of the state to establish or improve used oil collection centers;

(b) Creating an educational program to encourage the proper use, handling and disposal of used oil; and

(c) Enforcing state and federal laws relative to the proper use, handling and disposal of used oil.

2 Automotive Oil Definition. Amend RSA 147-B:2 by inserting after paragraph 1 the following new paragraph:

1-a. "Automotive oil" means any lubricating oil, which is reclaimable, classified for use in an internal combustion engine, transmission, gear box or differential for a motor vehicle, boat, off highway recreational vehicle, or commercial or household power equipment.

3 Used Oil Definition. Amend RSA 147-B:2, XIII to read as follows:

XIII. "Used oil" means any oil that has been refined from crude oil, *or synthetic oil*, which, through use or handling, has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.

4 Separate Accounting. Amend RSA 147-B:6 by inserting after paragraph 1-c the following new paragraph:

1-d. Fees collected in accordance with RSA 147-B:12 and deposited in the hazardous waste cleanup fund shall be accounted for separately and used in the used oil collection program as provided in RSA 147-B:13.

5 Rulemaking. Amend RSA 147-B:7 by inserting after paragraph III the following new paragraph:

IV. The division of waste management shall adopt rules, pursuant to RSA 541-A, relative to procedures and criteria for funding used oil collection centers as provided in RSA 147-B:13, and relative to the annual reports submitted by used oil transporters as provided in RSA 147-B:14.

6 Used Oil Exemptions. Amend RSA 147-B:9 to read as follows:

147-B:9 Exemptions.

[I.] The following shall not be subject to the fees established in RSA 147-B:8:

I. [(a)] Sludge from publicly owned treatment works located in the state, as defined in rules adopted by the division of waste management;

II. [(b)] Bottom boiler ash and flyash from incinerators which process solely municipal waste, as defined in rules adopted by the division of waste management; and

III. [(c)] Hazardous wastes[, except used oil,] which are recycled and exempt from the fee under RSA 147-B:8.

[II.] The following shall not be classified as marketers pursuant to RSA 147-B:2, VIII-c:

(a) Municipalities which collect used motor oil for recycling.

(b) Used oil generators and transporters who transport used oil received only from generators, unless they transfer their used oil directly to a person who burns it for energy recovery.

(c) Used oil generators and transporters who collect used oil only from generators and transfer used oil to incidental burners. Persons who burn some used oil fuel for the purposes of processing or other treatment to produce used oil fuel for marketing shall be considered to be burning incidentally to processing.]

7 New Subdivision; Used Oil Collection. Amend RSA 147-B by inserting after section 11 the following new subdivision:

Used Oil Collection

147-B:12 Automotive Oil Fee.

I. A fee of \$.04 per gallon of automotive oil shall be assessed at the time of import to this state. Persons licensed under RSA 146-A:11-b, II shall be liable for payment of this additional fee which shall be collected and enforced by the department of safety in the manner described in RSA 146-A:11-b. The division of waste management may waive all or any portion of penalties or interest for good cause. All fee revenues shall be deposited in the hazardous waste cleanup fund in accordance with RSA 147-B:6, I-d.

II. The department of environmental services may apply for, request, solicit, contract for, receive, and accept gifts, grants, donations, and other assistance from any source to carry out the purposes of this subdivision.

147-B:13 Use of Money Collected.

I. The division of waste management shall use the money collected under RSA 147-B:12 to:

(a) Award grants to political subdivisions of the state to pay no more than \$1,000 of the cost of establishing or improving used oil collection centers at public facilities such as fire stations, police barracks, highway departments, county garages, solid waste facilities or other suitable public locations; and provide technical assistance to persons who organize such programs. If the cost of establishing or improving any such used oil collection center is \$1,000 or less, the division shall award a grant for the entire cost. In providing funding under this subparagraph, priority shall be given to political subdivisions without public collection centers followed by political subdivisions that have inadequate collection centers.

(b) Develop an educational program on the proper use, handling and disposal of used oil by the public and private businesses.

(c) Provide personnel, equipment and services to administer and enforce the provisions of this subdivision and state and federal laws relative to the proper use, handling and disposal of used oil.

II. The commissioner of environmental services may, within the limits of moneys appropriated, pay no more than \$10,000 to dispose of all or a portion of a load of contaminated used oil possessed by a political subdivision of the state.

147-B:14 Transporters Report. Transporters of used oil permitted under RSA 147-A shall submit annual reports to the division of waste management detailing the amount and type of used oil which they handle and such other information as the division may require. The division shall prepare the report forms and establish the submittal date.

147-B:15 Agency Report. The division of waste management shall submit annual reports by September 1 of each year to the House Environment and Agriculture Committee and Senate Environment Committee, commencing September 1, 1995, relative to the activities and finances of the used oil collection program.

8 Oil Import Records. RSA 21-P:14, V(q) is amended to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3 and RSA 146-E:3 after consultation with the division of water supply and pollution control, and the oil fund disbursement board, *and pursuant to RSA 147-B:12 after consultation with the division of waste management.*

9 Exemption Repealed. Amend RSA 146-A:11-b, II to read as follows:

II. Any person who imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed by the department of safety under this chapter. The annual fee for the license shall be \$.001 per gallon of oil imported into this state. The fee shall be paid monthly by such person to the department of safety and then deposited by the department of safety into the oil pollution control fund administered by the division of water supply and pollution control. Imposition of the fee shall be based on the records of the person and certified as accurate to the department of safety. [The fee set in this paragraph shall not apply when the oil is packaged in individual containers of 55 gallons or less.]

10 Collection of Fees. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, and RSA 146-E:3 and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the division of water supply and pollution control, and the oil fund disbursement board. *The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the division of waste management.*

11 Repeal. The following are repealed:

I. RSA 147-B:2, VIII-c, relative to the definition of marketer.

II. RSA 147-B:2, VIII-d, relative to the definition of act of marketing.

III. RSA 147-B:8, I-a, relative to the fee on used oil.

12 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes a used oil collection program which:

Grants authority to the division of waste management to:

(a) Award grants to political subdivisions of the state to establish or improve used oil collection centers.

(b) Develop an educational program on the proper use, handling, and disposal of used oil.

(c) Impose an automotive oil fee to fund the program.

Adopted.

Report adopted and referred to Ways and Means.

HB 317, establishing a grant program for closure of unlined solid waste landfills OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Environment and Agriculture: This bill requires the state to share the cost of federally mandated closures of unlined landfills with municipalities, subject to annual appropriations. As proposed, the state shall reimburse 20 percent of eligible costs defined in the legislation and assist local units with developing closure plans according to specific priorities established by the bill. Vote 18-0.

Amendment (4101B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Grant Provision for Closure of Unlined Solid Waste Landfills Established. Amend RSA 149-M by inserting after section 32 the following new subdivision:

Aid to Municipalities for Closure of Unlined Solid Waste Landfills

149-M:33 Declaration of Policy. In recognition of the potential for harm to both public health and the environment which can result from an unlined solid waste landfill that has not been properly closed, it is hereby declared to be the policy of this state to encourage municipalities to close all unlined solid waste landfills in accordance with RSA 149-M:3 and 149-M:8.

149-M:34 Definitions. In this subdivision:

I. "Closure" means the process used to permanently cease use of a facility, or portion of such facility, in a manner that will minimize future risks of environmental damage.

II. "Department" means the department of environmental services.

III. "Eligible costs" means the costs of the closure of a solid waste landfill eligible to be covered by the grant established by this subdivision, and shall include costs of hydrogeological and engineering investigation and design, capital construction of closure elements required by rules adopted pursuant to RSA 149-M:3 and 149-M:8, and construction supervision. Eligible costs shall exclude land acquisition, except for land which is necessary to the physical elements of closure of an unlined landfill, and any administrative, legal and fiscal costs related to the closure.

149-M:35 State Contributions. The state shall pay annually 20 percent of the annual amortization charges, meaning the principal and interest, on the eligible costs resulting from the closure of unlined solid waste landfills by municipalities in accordance with RSA 149-M:3 and 149-M:8.

149-M:36 Equitable Allocation of Costs. Notwithstanding any other provision of this subdivision, the department shall not approve any contribution under RSA 149-M:35 unless it shall first have information presented to it by the applicant that the applicant has adopted a system of setting aside municipal revenues dedicated to the closure of all publicly owned or operated solid waste facilities in the municipality.

149-M:37 Application for Grant. Application for a grant under the provisions of this subdivision shall be made in accordance with rules adopted by the department under RSA 541-A.

149-M:38 Application Agreement. Applications for state grants under this subdivision shall contain an agreement that the applicant has closed or shall close the unlined solid waste landfill in accordance with plans and specifications approved by the department and will provide proper post-closure monitoring and maintenance of the landfill. Such plans and specifications

shall not be more stringent than federal requirements. Failure to close the solid waste landfill in accordance with plans and specifications approved by the department or to provide proper post-closure monitoring and maintenance of the landfill shall result in loss of payments of the annual grant installment next following such failure. Such loss of payment of the annual grant installment shall continue in effect until such time as the municipality has completed the steps necessary to close the landfill in accordance with plans and specifications approved by the department and has provided proper post-closure monitoring and maintenance of the landfill.

149-M:39 Eligibility and Priority of Applications.

I. The department shall establish and maintain a list of closures eligible to receive grants pursuant to RSA 149-M:35. The list shall identify the projects in priority order beginning with the highest priority as set forth in RSA 149-M:41.

II. The list for each fiscal year shall be prepared based on information supplied to the department by the applicant no later than February 1 prior to the beginning of each fiscal year.

III. The commissioner or designee shall hold an annual public hearing to receive testimony on the list proposed for each fiscal year. After considering the testimony offered at the hearing, the commissioner shall prepare the final list, and assistance shall be granted in the fiscal year accordingly.

IV. Notwithstanding any other law to the contrary, the provisions of this section shall not be subject to RSA 541-A.

149-M:40 Assistance to Municipalities. The department shall have the duty to:

I. Provide advice to municipalities engaged in:

- (a) Preliminary project planning and design;
- (b) Development of closure plans; or
- (c) Development of grant applications for funding under this subdivision:

II. Review and approve preliminary and final closure plans for the proposed project, in accordance with RSA 149-M:3 and 149-M:8.

III. Review and approve revisions or formal addenda to approved plans and specifications.

IV. Process grant applications for state approval.

V. Perform periodic site inspections as necessary.

VI. Review and approve change orders during the construction period.

VII. In conjunction with the applicant's qualified professional engineer, conduct an inspection of the landfill upon completion of the closure work to approve substantial completion.

VIII. Based upon a satisfactory construction completion inspection, and the receipt of as-built drawings, review and approve final eligible project costs.

149-M:41 Priorities. Considerations for determining eligibility for assistance shall be as follows, in order of highest to lowest priority:

I. Facilities with closure plans that have been approved and are ready for construction, and within this group the priority shall be as follows:

- (a) Facility poses an immediate risk to human health.
- (b) Facility poses a potential risk to human health.
- (c) Facility has an identified high level source of contamination.
- (d) Facility has an identified surface water impact.
- (e) Facility has an approved closure plan ready for construction.

II. Facilities with closure plans that have been deemed complete, and within this group the priority shall be as follows:

- (a) Facility poses an immediate risk to human health.
- (b) Facility poses a potential risk to human health.
- (c) Facility has an identified high level source of contamination.
- (d) Facility has an identified surface water impact.
- (e) Facility has a closure plan that has been deemed complete.

III. Facilities for which hydrogeological investigations have been initiated in accordance with a work plan approved by the department, which have obtained a groundwater permit, and which are actively in the process of having a closure system designed.

IV. Facilities for which hydrogeological investigations have been initiated in accordance with an approved workscope and for which closure is actively being pursued.

V. Facilities which show high concentrations of groundwater impact in an area where drinking water is drawn from the groundwater, and an alternative water supply is not available.

VI. Facilities which show high concentrations of groundwater impact in an area where drinking water is drawn from the groundwater, and an alternative water supply is available.

VII. Facilities which show low concentrations of groundwater contamination in an area where drinking water is drawn from the groundwater, and an alternative water supply is not available.

149-M:42 Applicability; Reimbursement of Eligible Costs. The department shall determine the eligible costs of each municipal solid waste landfill completed between fiscal year 1985 and fiscal year 1995 in accordance with the records on file at the department pertaining to each such closure and its eligible costs. The department shall assume 20 percent of such eligible costs and the interest cost related to that 20 percent on bonds issued on such projects beginning on July 1, 1995. The department shall determine the amount due for such eligible costs prior to July 1, 1995 and, with prior approval of the fiscal committee and the governor and council, reimburse each municipality subject to the funds as appropriated by the legislature for this purpose.

2 Effective Date. This act shall take effect July 1, 1995.

Adopted.

Report adopted and referred to Appropriations.

HB 178-FN, relative to the procedures of the board of examiners of psychology and mental health practice. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra K. Dowd for Executive Departments and Administration: House Bill 178, relative to the Board of Psychology and mental health practice, redefines certain procedures applicable to the Board of Examiners of Psychology and mental health practices. This bill structures a professional investigating unit within the Division of Consumer Protection in the Department of Justice where we already have both the medical board and mental health board. We are adding several like boards. Vote 15-1.

Amendment (3968B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the board of examiners of psychology and mental health practice
and transferring certain appropriations to the department of
justice for consumer protection investigators.

Amend the bill by replacing section 2 with the following:

2 Authorizing Per Diem Compensation. Amend RSA 330-A:5 to read as follows:

330-A:5 Compensation; Expenses. [Members of the board] *Board members* shall [serve without compensation but] *receive a per diem of \$100 for attending meetings of the board or its committees, and shall also* be reimbursed for all actual [traveling] *in-state travel*, incidental and clerical expenses necessarily incurred in [carrying out] *implementing* the provisions of this chapter.

Amend the bill by replacing section 4 with the following:

4 Administrative Fines. Amend RSA 330-A:14, III (e) to read as follows:

(e) By assessing administrative fines in amounts established by the board which shall not exceed [\$2,000] *\$3,000* per offense, or, in the case of continuing offenses, [\$200] *\$300* for each day[, not to exceed \$2,000] *that the violation continues, whichever is greater.*

Amend RSA 330-A:15-a, IV(d) as inserted by section 7 of the bill by replacing it with the following:

(d) Any subpoena *to non-certificate holders* related to appearance at a hearing or investigatory proceeding issued by the board shall be annotated "Fees Guaranteed by the New Hampshire Board of Psychology and Mental Health Practice" in order to be valid.

Amend RSA 330-A:15-b, I as inserted by section 8 of the bill by replacing it with the following:

I. Any complaint not dismissed or settled informally shall be heard by the board. Such hearing shall be an open public hearing. [Any member] *At least one member of the board shall be present, in addition to any qualified persons designated by the board. A board member or a qualified person designated by the board* shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

Amend the bill by replacing section 11 with the following:

11 New Subparagraph; Duty Added. Amend RSA 21-M:9, II by inserting after subparagraph (t) the following new subparagraph:

(u) Investigating and prosecuting disciplinary proceedings before state professional licensing boards.

12 Attorney General Authorized to Fill Positions. The attorney general is authorized to hire:

I. As of the effective date of this act, one investigator at labor grade J and one legal stenographer III at labor grade 15.

II. As of July 1, 1994, one investigator at labor grade J.

13 Division of Public Protection. Amend 1993, 349:1 by replacing PAU 02, 04, 02, 02 with the following:

02 Admin of justice and public prtn

04 Department of justice

02 Division of public protection

02 Consumer protection

	<i>Fiscal Year 1994</i>	<i>Fiscal Year 1995</i>
10 Personal services-permanent	\$120,337	\$141,961
13 Assistant attorneys general	202,121	214,453
14 Investigators	124,223	180,968
20 Current expenses	10,350	17,200
24 Maint. other than build and grounds	500	500
30 Equipment	3,100	0
60 Benefits	96,411	118,243
70 In-state travel	1,000	2,700
Total	558,042	676,025

	<i>Fiscal Year 1994</i>	<i>Fiscal Year 1995</i>
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Estimated source of funds

for consumer protection

General fund	558,042	676,025
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Total	558,042	676,025
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14 Joint Board. Amend PAU, 02, 06, 02, 01 as inserted by 1993, 349:1 as follows:

Insert:

49 Transfers to other state agencies*	D	\$ 7,086	\$ 21,657
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Strike out:

General fund	163,174	168,669
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Insert:

General fund	170,260	190,326
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*Transfers of money from this PAU shall only be taken from the board of engineers and the board of land surveyors.

15 Chiropractic Board. Amend PAU 05, 01, 08, 01 as inserted by 1993, 349:1 as follows:

Insert:

49 Transfers to other state agencies	D	\$ 5,000	\$ 5,000
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Strike out:

General fund	25,126	25,193
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Insert:

General fund	30,126	30,193
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16 Dental Board. Amend PAU 05, 01, 08, 03 as inserted by 1993, 349:1 as follows:

		<i>Fiscal Year 1994</i>	<i>Fiscal Year 1995</i>
Strike out:			
49 Transfers to other state agencies	D	\$ 18,740	\$ 18,740
Insert:			
49 Transfers to other state agencies	D	25,825	40,398
Strike out:			
General fund		133,177	138,600
Insert:			
General fund		140,262	160,258

17 Effective Date.

I. Sections 1-10 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, sections 1-10 of which are requested by the board of examiners of psychology and mental health practice, redefines certain procedures applicable to the board of examiners of psychology and mental health practice.

1. The term "certificate holder" is defined and substituted for the term certified members and similar terms.

2. Board members shall receive \$100 per diem for attending meetings of the board or its committees.

3. Administrative fines may be assessed for persons other than those subject to discipline under RSA 330-A:14.

4. The cap on administrative fines is increased to \$3,000, and a \$300 daily fine may be assessed for as long as the violation continues.

5. Those eligible to be retained for adjudicatory proceedings are redefined and include "other qualified persons." With limitations, the board may request the governor and council to provide funding for such expenses.

6. In addition to board members, their designees may preside at hearings and issue oaths or affirmations to witnesses. However, at least one board member shall be present.

The bill also adds new duties to the consumer protection and anti-trust bureau and transfers money from the PAUs for certain regulatory boards to the consumer protection and anti-trust bureau for that purpose.

Adopted.

Report adopted and referred to Appropriations.

HB 414-FN-L, providing a 2 percent cost of living adjustment for permanent firemen members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will provide a 3.5 percent COLA for the firemen members of the Group II section of the New Hampshire Retirement System. This COLA will be retroactive to January 1, 1994 for those that retired prior to January 1, 1992. This COLA will be terminally funded from the Firemen's Component of the Special Account. Vote 13-0

Amendment (3782B)

Amend the title of the bill by replacing it with the following:

AN ACT

providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Supplemental Allowance for Permanent Firemen Members of Group II. As of January 1, 1994, all group II permanent firemen beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before January 1, 1992, and who are receiving

retirement allowances according to RSA 100-A or RSA 102 shall receive an additional allowance of 3.5 percent. The additional allowance shall become a permanent addition to each beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

2 Funding of Additional Allowance. The total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the group II permanent firemen member component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of June 30, 1994.

3 Effective Date. This act shall take effect June 30, 1994.

AMENDED ANALYSIS

As of January 1, 1994, this bill grants all group II permanent firemen beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before January 1, 1992, an additional allowance of 3.5 percent.

Rep. Gosselin spoke in favor.

Adopted.

Report adopted and referred to Appropriations.

HB 459-FN-A, establishing a demonstration program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: This bill was referred, awaiting only the approval of the grant application from OADAP by the Federal government for funding of this five-year demonstration program serving substance-abusing pregnant and post-partum women. Approval resulted in the initial funding for the first year and Federal funds were available instate October 1, 1993. Vote 11-0.

Amendment (3969B)

Amend the bill by replacing section 2 with the following:

2 Program Established. There is established a 5-year demonstration program for long-term residential treatment for pregnant and post-partum substance abusing women and their children.

Amend the bill by replacing sections 5 and 6 with the following:

5 Appropriation. A sum not to exceed \$325,000 which provides a match to federal funding in the ratio of \$1 state to \$9 federal for 2 years and a ratio of \$1 state to \$3 federal for the 3 following years for the purposes of this act is appropriated to the office of alcohol and drug abuse prevention, department of health and human services, for the biennium ending June 30, 1995. This appropriation shall not lapse until June 30, 1996. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Applicability. Sections 1-5 of this act shall only take effect if the office of alcohol and drug abuse prevention is successful in obtaining a 5-year federal grant for treatment services for pregnant and post-partum substance abusing women and their children. The director of such office shall certify such fact to the state treasurer, and sections 1-5 of this act shall take effect upon the certification date.

AMENDED ANALYSIS

This bill establishes a 5-year demonstration program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children in the event that federal moneys become available. The office of alcohol and drug abuse prevention would administer the program.

The bill makes a contingent appropriation which would represent the state's share of a federal grant.

Adopted.

Report adopted and referred to Appropriations.

HB 635-FN, relative to social security cost-of-living increases to certain recipients of assistance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Health, Human Services and Elderly Affairs: This bill passes on any supplemental and social security increase to recipients in Residential Care and Com-

munity Residences, and prohibits the State from reducing its contribution so the recipient's standard of payment actually increases. The bill also increases the present standard of need for these recipients from \$640 to \$740 to partially compensate them for nine years with one increase. Vote 11-0.

Amendment (3389B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Cost-of-Living Increases to Residents of Residential Care Facilities and Community Residences. Amend RSA 167 by inserting after section 27-b the following new section:

167:27-c Cost-of-Living Increases to Residents of Residential Care Facilities and Community Residences. The state shall maintain its minimum supplementary payment levels to recipients of assistance at residential care facilities and community residences in conjunction with supplemental and social security increases. The director of the division of human services, department of health and human services, shall not decrease the amount of the state's contribution paid to recipients of financial assistance in residential care facilities and community residences because of such supplemental and social security increases.

2 Standard of Need Increased. The current standard of need for residential care facilities shall be increased to \$740 per month on the effective date of this act. This figure shall be used as a baseline figure for future adjustments for cost of living increases. The \$740 per month reflects the past cost of living adjustments that have not been taken into account in the current standard of need.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits the director of the division of human services, department of health and human services, from decreasing the amount of the state's contribution paid to a residential care facility or community residence because of a social security cost-of-living increase to a recipient of such assistance.

This bill also increases the current standard of need for residential care facilities to \$740 per month. This increase reflects the past cost of living adjustments that have not been included in the current standard of need and shall be used as a baseline figure.

Adopted.

Report adopted and referred to Appropriations.

HB 257-FN, relative to the disposition of revenue received by the bureau of common carriers, department of safety. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Chandler for Public Works: The committee amendment replaces the original bill in its entirety and establishes a dedicated transportation fund using current general fund revenues (estimated \$3.6 million annually) to provide the state portion of funding for transportation infrastructure and associated administrative costs for which state highway funds may not be used because of constitutional constraints. This transportation fund assumes expenditures for administrative costs and infrastructure improved in the FY '95 budgets from the general fund (estimated \$1.4 million), so that the net draw on the general fund annually is estimated at \$2.2 million. This money would be available for the state match for additional non-highway transportation programs, and could leverage \$10M-\$15M in Federal funds which do not now reach the state each year. The one common characteristic of the amendment and the original bill is that the disposition of common carrier fees and fines is changed from current statute, which raises a constitutional question. The committee intends to request adoption of the amendment and then to table the amended bill in order to address House Resolution 18 before taking final action on the bill. Vote 13-5.

Amendment (3578B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a transportation fund to fund transportation infrastructure
which cannot be funded with highway fund moneys.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Transportation Fund. Amend RSA 6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) Moneys received from common carriers for deposit in the transportation fund established in RSA 228:15-a.

2 Reference to Transportation Fund. Amend RSA 21-L:1, II to read as follows:

II. This act shall not be construed in any way to affect dedications of revenue provided for in the constitution or laws of the state, including the dedicated highway fund provided for by part II, article 6-a of the New Hampshire constitution, or the dedicated [aeronautical] *transportation* fund established by RSA [422:42] *228:15-a*.

3 New Section; Transportation Fund. Amend RSA 228 by inserting after section 15 the following new section:

228:15-a Transportation Fund. The state treasurer shall establish a nonlapsing, continually appropriated special fund to be known as the transportation fund. All moneys in the fund are hereby appropriated to be expended by the commissioner to fund the state portion of transportation infra-structure and the administrative costs, including administrative overhead to the department of transportation which may not be funded through Article 6-a, Part II of the New Hampshire Constitution. Subject to budgetary limitations, the transportation fund is annually appropriated for the use of the department during the fiscal year of its receipt by the state treasurer, and the unexpended balance of said fund shall be carried forward and added to the appropriation for the subsequent year and may be expended with the approval of the fiscal committee and governor and council. All proceeds derived from the following sources shall be deposited into the transportation fund:

I. The sale or lease of any rail properties and income derived by the commissioner of transportation as a result of action taken pursuant to RSA 228:54-75, and any gifts, grants other than grants or portions of grants which are appropriated for a specific purpose, or donations for the purposes of RSA 228:54-75.

II. All fees, fines, or other income received by the commissioner under RSA 422 and airways tolls collected by the director of motor vehicles. [Of] The moneys annually appropriated for aeronautics purposes equal to revenue derived from the airways toll from the transportation fund[, 1/2] shall be used for the establishment and maintenance of air navigation facilities on the state airways system [and 1/2 shall be used for the repayment of bonds or notes authorized under RSA 422]. Moneys derived from the airways toll, available for the establishment and maintenance of air navigation facilities, may be paid over directly to a city or town which has established an aeronautical fund in accordance with RSA 423:6-8.

III. All revenues collected by the bureau of common carriers, office of the commissioner of the department of safety, under RSA 375-A, within the limits established by RSA 375-A:23.

IV. All fees and fines collected by the bureau of common carriers, office of the commissioner of the department of safety, under RSA 375-B.

V. All fees and fines collected by the bureau of common carriers, office of the commissioner of the department of safety, under RSA 376, within the limits established by RSA 376:28.

4 Changing Reference to Railroad Fund. Amend RSA 228:67 to read as follows:

228:67 Disposition of Acquired or Abandoned Rail Properties. Whenever the commissioner determines that certain acquired or abandoned rail properties owned by the state pursuant to RSA 228:60-a, II; 228:60-a, VI; 228:60-b; or any other means are no longer needed, he may transfer or sell such rail properties, excluding the railroad bed and right-of-way lying within a corridor, to any other state department or agency, or political subdivision of the state, which will utilize such properties for public purposes and, if no state department or agency, or political subdivision, wants such properties, the commissioner may sell them, with the proceeds from the sale distributed to the Federal Railroad Administrator, Department of Transportation, in accordance with the grant agreement for the federal share of the participation in the original purchase of the rail properties. The balance shall be deposited into the [special] *transportation* fund established in RSA [228:68] *228:15-a*. Such transfer or sale shall require approval of the long range capital planning and utilization committee and the governor and

council. For the purpose of this section, "corridor" shall mean from the point of origin of railroad tracks or bed and right-of-way to the point of terminus within the state, excluding spur lines and sidings which are incidental to the main line.

5 Deposit of Mass Transportation Revenues into the Transportation Fund. Amend RSA 228:71, X to read as follows:

X. Accept gifts and grants from agencies of local, state and federal governments or from private agencies or persons, and accede to such conditions and obligations as may be imposed as prerequisites to such gifts and grants; except that no gift or grant of real property or tangible personal property shall be accepted without the approval of the governor and council as provided in paragraph V of this section. *All moneys from the sale and lease of property under paragraph V and gifts and grants under paragraph X shall be deposited in the transportation fund, established in RSA 228:15-a.*

6 Disposition of Common Carrier Fees. Amend RSA 375-A:18, II to read as follows:

II. The department of safety, division of motor vehicles, shall deduct from the fees received under subparagraphs (b) and (c) of paragraph I the actual cost of issuing such registration certificates and number plates and shall forward the balance to the [department to be used by it in the administration of this chapter] *transportation fund established in RSA 228:15-a.*

7 New Sections; Funding of Chapter; Disposition of Revenues. Amend RSA 375-A by inserting after section 21 the following new sections:

375-A:22 Funding for the Bureau of Common Carriers, Office of Commissioner of the Department of Safety. All funding necessary for the proper administration of this chapter shall be charged against the transportation fund.

375-A:23 Disposition of Revenues. Except as provided in RSA 375-A:18, II, all fees and fines collected pursuant to this chapter shall be deposited in the transportation fund.

8 Disposition of Revenues. Amend RSA 375-B:25 to read as follows:

375-B:25 Disposition of Revenues. All fees and fines collected pursuant to [the provisions hereof shall be made available to the department for use in the administration and enforcement hereof] *this chapter shall be deposited in the transportation fund established in RSA 228:15-a.*

9 New Section; Funding for Chapter. Amend RSA 375-B by inserting after section 25 the following new section:

375-B:26 Funding for the Bureau of Common Carriers, Office of the Commissioner of the Department of Safety. All funding necessary for the proper administration of this chapter shall be charged against the transportation fund.

10 Disposition of Revenues. RSA 376:28 is repealed and reenacted to read as follows:

376:28 Disposition of Revenues. All fees and fines collected pursuant to this chapter shall be deposited in the transportation fund established in RSA 228:15-a, except that the cost of issuance of registration plates shall be paid to the division of motor vehicles, department of safety.

11 New Section; Funding for Chapter. Amend RSA 376 by inserting after section 28 the following new section:

376:28-a Funding for the Bureau of Common Carriers, Office of the Commissioner of the Department of Safety. All funding necessary for the proper administration of this chapter shall be charged against the transportation fund.

12 Changing Reference to Aeronautical Fund. Amend RSA 422:41 to read as follows:

422:41 Disposition of Revenue. All fees, fines or other income received under the provisions of this chapter shall be paid by the department to the state treasurer and be credited to the [aeronautical] *transportation fund.*

13 Changing Reference to Aeronautical Fund. Amend RSA 423:8 to read as follows:

423:8 Transfer of Aeronautical Funds. Any town may, by vote at the annual meeting, authorize the transfer of any part of its aeronautical fund to the department of transportation for use for purposes authorized under RSA 423:7. The town or city transferring such funds may specify the purpose for which such funds may be expended. A city may authorize such transfer by vote of the city council. Funds so transferred to the department shall not be subject to RSA [422:42] *228:15-a.*

14 Transfer of Funds and Obligations.

I. All moneys in the special railroad fund and the aeronautical fund on July 1, 1994, shall be transferred to the transportation fund established under RSA 228:15-a.

II. All outstanding obligations of the department of transportation made prior to July 1, 1994, which encumber moneys in the special railroad fund and the aeronautical fund shall be transferred to the transportation fund.

15 Budget Totals Adjusted. The commissioner of the department of administrative services is authorized to adjust totals in the 1995 operating budget as made necessary by the passage of this act.

16 Repeal. The following are repealed:

I. RSA 228:68, relative to the special railroad fund.

II. RSA 228:69, relative to the appropriation and use of the special railroad fund.

III. RSA 422:42-44, relative to the aeronautical fund and certain fees.

17 Effective Date. This act shall take effect July 1, 1994.**AMENDED ANALYSIS**

This bill establishes a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys and to cover the state portion of the administrative costs of the department of safety and transportation for common carriers, railroad and aeronautic transit.

The bill consolidates the aeronautics and special railroad and public transit funding sources and includes fees and fines imposed by the bureau of common carriers, department of safety. Adopted.

Rep. John Chandler spoke to the report.

Adopted and referred to Appropriations.

HB 659-FN, relative to road tolls on users of special fuel. **INEXPEDIENT TO LEGISLATE**

Rep. Edwin O. Smith for Public Works: The subcommittee heard from the Department of Safety that the loss of fuel tax revenues was not of significance. It was further reported that the EPA is requiring the coloration of High Sulfur Fuels and the IRS is also requiring coloration of fuels for tax purposes. It was felt that the coloration of fuel by the Federal Government could help account for some of the lost fuel in New Hampshire. Vote 12-6.

Adopted.

SB 68, establishing a challenge grant to restore and preserve the Nansen ski jump facility. **REFER FOR INTERIM STUDY**

Rep. Winston H. McCarty for Public Works: The committee felt this bill has some merit but much more preliminary planning, and a firming up of the financial responsibility and participation of the community is needed. Therefore, the committee voted 17-2 to send this to Interim Study to give time for this to be done. Vote 17-2.

Adopted.

SB 162-FN-L, authorizing the sweepstakes commission to establish video lottery games **INEXPEDIENT TO LEGISLATE**

Rep. Leona Dykstra for Regulated Revenues: The majority of the committee was not in favor of expansion of gambling by allowing video gambling in every liquor licensed establishment and race tracks. Many hearings were held by the committee. Vote 9-5.

Adopted.

RECESS**(Speaker Burns in the Chair)****GUESTS ON THE ROSTRUM**

Catherine Hayden, Bob Cushion and Matt Paul, guests of the House.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 51

honoring the Nashua High School Center of Applied Technology Team,
winners of the United States Skill Olympics

WHEREAS, the team of Catherine Hayden, Bob Cushion and Matt Paul of the Center of Applied Technology at Nashua High School won the Automated Manufacturing Technology Contest at the United States Skill Olympics, held in Louisville, Kentucky in June of 1993, and

WHEREAS, the Automated Manufacturing Technology Contest is sponsored by VICA, the Vocational Industrial Clubs of America, and

WHEREAS, there are 54 national competitions in the Skill Olympics and all contestants are winners of their individual state competitions, and

WHEREAS, the Nashua High School team won its state competition in May 1993, and

WHEREAS, the Automated Manufacturing Contest is the only team competition in the Skill Olympics, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the Nashua High School Center of Applied Technology United States Skill Olympics Team be saluted for winning that national competition, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to the team. Adopted.

SPECIAL GUESTS

Mr. & Mrs. Robert Hayden, Mr. & Mrs. Robert Cushion and family, Mr. & Mrs. Robert Paul, Paul Duquette, Robert Pariseau, Diane McDonald, Cliff Church, Marge Fraser, Len Martin, Robert Hall, Heidi Thompson, Roger Davies, Bruce Olsen, Richard McManus and Mark O'Bryan, guests of the House.

SPECIAL ORDERS

HB 442-FN, creating the New Hampshire trade port commission. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Anthony Syracuse for the Majority of Commerce, Small Business and Consumer Affairs: This bill was re-referred to resolve concerns of the Appropriations Committee. In the process the name was changed from the New Hampshire Trade Port Commission to the New Hampshire Port Authority. The board selection process was also changed. The new authority no longer will be allowed to borrow money to pay for operating expenses. The operating budget will be submitted thru the Governor to the General Court for approval and appropriations. A Facilities Improvement Fund is established with appropriated funds to allow renovation of existing buildings to generate rental income. Three members of the nine-member board will be selected by the Governor. Strafford County Representatives and Senators will each nominate a candidate from which the Governor will select one. One member will be selected by the Senate President and the other by the Speaker of the House. One will be selected by the Town of Newington and two by the City of Portsmouth. The merger will occur on July 1, 1994 to be in phase with the State budget cycle. The original bill passed the House by a 260 to 113 vote. Vote 11-4.

Rep. Martha Fuller Clark for the Minority of Commerce, Small Business and Consumer Affairs: The dissenting members of the committee, while not necessarily opposed to the intent of HB 442, could not support the bill at this time because a full review of the existing legislation had not been completed at the time the vote was taken, nor was time provided to review the merits or weaknesses of the bill as amended by the subcommittee. Specifically, no discussion occurred with regard to changes made in the configuration of the board or the date set for the merger. In addition several dissenting members believed that further consideration and revision regarding the newly proposed funding mechanisms and obligations for the proposed NH Port Authority was also needed.

Amendment (3943B)

Amend the title of the bill by replacing it with the following:

AN ACT

creating a new New Hampshire port authority and
making an appropriation therefore.

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Port Authority. RSA 12-G is repealed and reenacted to read as follows:

CHAPTER 12-G

NEW HAMPSHIRE PORT AUTHORITY

12-G:1 Declaration of Purpose.

I. The general court recognizes that the operation of 2 authorities within close proximity of each other, with the same economic goals of creating commerce, employment and other business, is best served by consolidating the daily operations into one management entity. The consolidation has the distinct advantage of a unified worldwide marketing program which will maximize the potential for economic revitalization of the seacoast communities and the state of New Hampshire.

II. In addition, the general court embraces as an economic goal, the completion of the seaport expansion permitted by the Corps of Engineers in January 1993. The utilization of bonding authority, acquisition of federal grants and public/private funding is encouraged.

III. It is also the intent of the general court to acknowledge the importance of New Hampshire's quality of life by pursuing environmentally responsive development of the seaport and former air base. Every effort shall be made to foster and encourage a continued environmentally sensitive high quality of life for future generations.

IV. The general court fully endorses, and acknowledges the benefits that may accrue by participating in public/private partnerships, to include private sector funding, whenever such partnerships contribute to managed economic progress of the region.

V. The general court recognizes that the closure and redevelopment of Pease Air Force Base is a matter of great concern for the town of Newington, the city of Portsmouth, the seacoast region, and the state of New Hampshire. It is also the intent of the general court to return non-airport district land, with the exception of the golf course at the airbase, to the tax bases of Portsmouth and Newington.

VI. The general court further recognizes that the economies, environment, and quality of life of the affected communities, the seacoast region, and the state will depend on the speedy and proper development of the port and the former air base.

VII. It is further declared that creation of a New Hampshire port authority to promote, oversee, and integrate the development of the former air base and the port is in all respects for the benefit of the affected communities, the seacoast region, and the state and for the improvement of their welfare and prosperity, including the creation of employment and other business opportunities.

VIII. The general court also recognizes the economic necessity for the maintenance and development of the ports, harbors, and navigable tidal rivers of the state of New Hampshire from the head of navigation to the seaward limits within the jurisdiction of the state. There is a need to foster and stimulate commerce and the shipment of freight through the state's ports and to assist shipping, and commercial and industrial interests that may depend on the sea for transport of products, including such interests as may be desirous of locating in tide-water areas of the state. The general court encourages the establishment of accommodations for the boat traveler, the area boat owners, the pleasure fishermen, and others who pass up and down our coast line or in its tributaries.

IX. The general court realizes it is important to plan, develop, maintain, use, and operate land transportation facilities within a 15 mile radius of the authority headquarters at Portsmouth and maintain, use and operate facilities on property owned or controlled by the authority.

X. To these ends, the authority shall cooperate with the Seacoast Metropolitan commission, the department of transportation, and departments, agencies, authorities, or commissions of the federal, state or local governments and accept grants, aid, or services from such agencies.

12-G:2 Definitions. In this chapter:

I. "Airport district" means:

(a) The property conveyed, granted or otherwise transferred to the authority or its predecessor by the federal government or any agency thereof pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. section 1622(g)), as amended; or

(b) Property conveyed, granted or otherwise transferred to the authority or its predecessor by the federal government or any agency of the federal government and declared or designated by the authority as the "airport district" in accordance with the procedures prescribed in RSA 12-G:14, II after the expansion or contraction of the district has been approved by the governing body of the municipality in which the land sought to be added to or taken from the airport district is located.

II. "Appointing authorities" means the governor and executive council, the president of the senate, the speaker of the house of representatives, the mayor and city council of the city of Portsmouth, and the board of selectmen of the town of Newington.

III. "Authority" means the New Hampshire port authority.

IV. "Board" means the board of directors of the authority.

V. "Bond" means any bond, note, or other evidence of indebtedness issued under this chapter.

VI. "Director" means a member of the board.

VII. "Excess revenues" means those revenues in excess of the funds identified in the audit performed pursuant to RSA 12-G:31 required (a) to pay the costs of operating, maintaining and repairing all property and projects of the authority, (b) to pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits and other expenses authorized by the board or the executive director, (c) to pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority as the same become due and payable, (d) to create and maintain reserves established pursuant to RSA 12-G:20 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority, (e) to create and maintain a facilities improvement fund to be established by the board in an amount not less than \$1,000,000 nor more than \$5,000,000, and (f) to pay all taxes owed by the authority. Excess revenue shall not include any revenues generated from property transferred or conveyed to the authority pursuant to section 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. section 1622(g), as amended, within the airport district, unless the board and the Federal Aviation Administration deem, in compliance with applicable Federal Law, including but not limited to 49 U.S.C. App. section 2210(a)(12), such revenues to be excess revenues within the meaning of this chapter.

VIII. "Land use controls" means all municipal ordinances and requirements or rules of the authority regulating the use, development and improvement of property, including, but not limited to, zoning ordinances, subdivision regulations, site plan review regulations, and building, electric, plumbing and fire codes.

IX. "Pease Air Force Base" means all land, easements, buildings, structures and appurtenances owned or controlled by the United States Department of Defense on January 1, 1990, in the towns of Newington and Greenland, or the city of Portsmouth.

X. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state (including the state of New Hampshire), municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

XI. "Project" means the development, construction, reconstruction, maintenance or operation of any property of the authority or of any airport or other transportation system by the authority, including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport or other transportation system or used or useful in connection therewith.

XII. "Property" means all real property and tangible and intangible personal property, rights, and facilities of the authority.

XIII. "Resolution" means:

(a) The statements of intent adopted by formal vote of the former Pease Air Force Base redevelopment commission established in 1989, 3:2 on the dates set forth below and related to the following:

- (1) The New Hampshire Air National Guard on August 1, 1989.
- (2) The Pease Air Force Base trash-to-energy plant on August 15, 1989.
- (3) The proposed wildlife refuge at Pease Air Force Base on August 29, 1989.
- (4) Asbestos in housing at Pease Air Force Base on October 10, 1989.
- (5) The provision of health care for military retirees on October 24, 1989.

(b) Any other statement of intent designating a resolution and adopted by the Pease Air Force Base redevelopment commission since March 20, 1989.

XIV. "Revenues" means the gifts, contributions, and appropriations from any source and the rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, or development of properties and the operation of related facilities located on such properties and all right to receive the same, including investment earnings and the proceeds of any borrowing under this chapter or of any sale or disposition or insurance of any assets of the authority.

XV. "Security document" means any trust agreement, security agreement or resolution authorizing the issuance of or securing bonds.

XVI. "State" means the state of New Hampshire.

Structure of New Hampshire Port Authority

12-G:3 New Hampshire Port Authority Established. There is hereby created a body politic and corporate of the state, to be known as the New Hampshire port authority, to carry out the provisions of this chapter. The authority is hereby deemed to be a public instrumentality, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state.

12-G:4 Management by Board of Directors.

I. The management of the authority shall be vested in a board of 9 directors and one ex officio non-voting member to be appointed as follows:

(a) Three members appointed by the governor and executive council. One of these members, for the first selection process only, shall be selected from the non-statutory members of the former port authority board to assure transfer of port administration experience to the board of the New Hampshire port authority. If no member of the port authority board accepts appointment, the governor and council may select a person of their choice.

(b) Two members appointed by the mayor and city council of the city of Portsmouth.

(c) One member appointed by the board of selectmen of the town of Newington.

(d) One member appointed by the president of the senate.

(e) One member appointed by the speaker of the house of representatives.

(f) One member appointed by the governor who shall be one of 2 candidates nominated by the legislative delegation of Strafford county. Of those 2 candidates one shall be nominated by the senate members of the Strafford county delegation and one shall be nominated by the house of representatives members of the Strafford county delegation.

(g) The nonvoting ex officio member shall be from the state of Maine, nominated by the governor of Maine, and appointed by the governor of New Hampshire.

II. The governor shall appoint one of the members appointed under subparagraph I(a) the chairman of the board, who shall serve in that capacity at the pleasure of the governor. Directors shall hold office for 3 years and until their successors shall have been appointed, which period shall not exceed 6 months. No member shall serve more than 2 full or partial terms. Directors shall serve staggered terms. The persons initially appointed under subparagraphs I(a) and I(b) shall serve for 3 years, those initially appointed under subparagraphs I(d), (e) and (g) shall serve for 2 years, and those initially appointed under subparagraphs I(c) and (f) shall serve for one year. For the initial appointments, the appointing officials should consider appointing individuals from the seacoast area who have technical qualifications and are recommended by the chairman of the Pease development authority as it existed on or before June 30, 1994. State appointed directors may be removed from office pursuant to the provisions of RSA 4:1. Directors appointed by the municipal appointing authorities may be removed from office for cause after hearing by the municipal appointing authorities.

III. Five members of the board shall constitute a quorum. A minimum of 5 affirmative votes shall be required for any action of the board, except for the adoption of land use controls, which shall require 6 votes.

IV. The directors shall serve without compensation from the authority, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the authority.

V. Voting directors shall be residents of the state. No voting director shall be an elected public official of the state, federal government, or any political subdivision of the state or federal government.

12-G:5 Statements of Financial Interests; Content; Form.

I. Every member of the board shall file by July 1 of each year a verified written statement of financial interests in accordance with the provisions of this section, unless he has already filed a statement in that calendar year.

II. A voting member of the board shall not be allowed to enter into or continue his duties, unless he has filed a statement of financial interests with the secretary of state.

III. Statements of financial interests shall contain the following information:

(a) The name, address, and type of any professional, business, or other organization in which the reporting individual was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year.

(b) The description of any debt and the name of the creditor for all debts in excess of \$5,000 owed by the reporting individual, as well as the description of any debt and the name of the debtor for all debts in excess of \$5,000 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the state in the preceding calendar year. Loans issued by financial institutions, the normal business of which includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt issued by publicly held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed.

IV. The statement of financial interests shall be completed by typewriting or hand printing, and shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form prescribed by the secretary of state.

12-G:6 Executive Director.

I. The board shall appoint an executive director, who shall be the chief executive and administrative officer of the authority and who shall have general and active supervision and direction over the day-to-day business and affairs of the authority and its officers and employees, subject, however, to the direction and control of the board. The executive director shall perform all such other duties as from time to time may be assigned to him by the board. The executive director shall hold office for an indefinite term at the pleasure of the board. The executive director shall also be the secretary of the authority, shall keep a record of the proceedings of the authority, and shall be the custodian of all books, documents, and papers filed with the authority and of its minute book and seal. He shall have the power to cause copies to be made of all minutes and other records and documents of the authority and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates.

II. The executive director shall employ support services, legal counsel, accountants, public relations specialists, marketing specialists, and environmental specialists sufficient to maintain operations.

III. The executive director shall establish and maintain the following co-equal divisions: an airport division, to operate and develop airport facilities and operations, an industrial development division to develop the airport district and all land acquired outside the airport district, a seaport division to develop water borne commerce, and a surface transport division to facilitate all forms of surface passenger and freight mass transportation. The executive director may establish such other divisions, with the consent of the board, as are necessary to the proper administration of this chapter.

IV. The salary of the executive director shall be established by the board.

12-G:7 Disqualification of Member. If any director, or the spouse or issue of any director, shall be interested either directly or indirectly or shall be a director, officer or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract or other matter with the authority, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the board and shall be set forth in the minutes of the board. The member having such interest shall not participate on behalf of the authority in any proceedings or decision relating to such contract or matter.

12-G:8 Seacoast Advisory Committee Established. There is hereby created a regional advisory committee which shall advise the board on regional concerns and interests and authority decisions affecting the region's communities. The members shall serve without compensation. The committee shall be composed of a member of the board of directors and an elected city councilor or town selectmen from Dover, Durham, Exeter, Greenland, Hampton, Madbury, New Castle, Newfields, Newington, Newmarket, North Hampton, Portsmouth, Rye, and Stratham. The elected city and town officials shall be appointed by their respective legislative bodies. The board shall seek participation of an elected town or city officer from Eliot, Kittery, and South Berwick, Maine. The appointed member of the board of directors shall serve as chair of the committee and the executive director shall appoint a staff member to serve as secretary of the committee. The committee shall meet monthly and shall submit monthly reports to the chair of the board.

12-G:9 Port Expansion Special Committee.

I. There is hereby established a port expansion special committee to advise, consult and provide oversight assistance to the New Hampshire port authority on port expansion that was authorized by a 1993 permit of the United States Army Corps of Engineers. The committee shall:

(a) Be composed of 6 individuals appointed by the outgoing board of directors of the port authority. The vice-chair of the board of directors of the New Hampshire port authority shall serve as chair and the seaport division director of the New Hampshire port authority shall serve as secretary.

(b) Cease to exist on June 1, 1999, unless extended by the New Hampshire port authority. Any vacancies occurring on the committee shall be filled by the authority.

Powers and Duties of the New Hampshire Port Authority

12-G:10 Duties.

I. The authority shall perform the following duties:

(a) Monitoring the proposed closing of Pease Air Force Base.

(b) Conducting a comprehensive study of all issues related to the closure, conversion, redevelopment and future use of Pease Air Force Base. This study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment, and quality of life of the affected communities, the seacoast region, and the state.

(c) Reviewing all options relative to the most appropriate use of Pease Air Force Base.

(d) Adopt rules necessary and proper for the maintenance, supervision, and management of the airport district and the harbor management program, including but not limited to administrative fines and penalties for violations of such rules.

(e) Making all necessary arrangements with relevant governmental entities of other states and federal departments, agencies, and foreign countries and their port entities for the interchange of business, and for such other purposes as will facilitate and increase the commerce of the ports, harbors, airport district, and tidal navigable rivers of the state.

(f) Establishing offices for the transaction of its business at such places as, in the opinion of the authority, shall be advisable and necessary in carrying out the purpose of this chapter.

(g) Appointing and compensating harbor masters at Hampton, Rye, New Castle, Portsmouth, Seabrook and Newington who will enforce the harbor management directives of the authority, such as the placement of moorings, the assignment of anchorage areas and the movement of traffic. The authority may appoint an assistant harbor master at any such place to assist the harbor master of such place in carrying out his duties.

(h) Contracting with and securing the services of a port terminal operating firm for the purpose of having such firm operate a part or all of the facilities of the seaport division of the authority, including piers, wharves, warehouses, parking and storage areas, or other facilities owned or leased by the authority, with such operating firm having the exclusive right to operate the business of a port terminal operator and stevedore, including but not limited to the handling of cargo, the collection of fees from wharfare and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement and solicitation of business for such port facility or facilities; such contract with an operating firm shall include the following provisions:

(1) The firm shall file with the authority for its approval a tariff clearly defining the terms "wharfage" and "dockage" and the charges to be made therefor.

(2) The amount of minimum payments per year satisfactory to the authority to be paid to it for the exclusive right to operate upon the marine terminal, as described in the contract, the business of a port terminal operator and stevedore.

(3) The amount retained by said firm from all fees for which it is accountable, said amount being a percentage to cover administrative costs of collection.

(4) The firm to supply a ship's manifest for every vessel using said facilities.

(5) The firm to provide a performance bond in an amount and form acceptable to the authority, as well as insurance in amounts acceptable to the authority for fire and extended coverage, public liability, property damage, and other risks as required by the authority, the insurance company or companies to be licensed to do business in New Hampshire and to be acceptable to the authority.

(6) The firm to file quarterly reports with the authority indicating the amount of all fees for which it is accountable to the authority, the amounts collected and the amounts retained, with a certified audit prepared by a certified public accountant submitted annually.

(7) Such other appropriate provisions which in the opinion of the board will carry out the intent of this section and best protect the interest of the authority and of the state.

(i)(1) Setting and collecting fees for mooring and slip permits. A table of such fees shall be attached to the authority of each pilot.

(2) Setting and collecting fees for the management of the foreign trade zone established under RSA 12-G:15.

II. The authority shall at all times act in a manner which is consistent with the public good and pursuant to this chapter shall seek to implement the comprehensive duties identified in paragraph I.

12-G:11 Incorporation; Powers. The authority shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power:

I. To sue and be sued in all courts and to initiate or participate in actions and proceedings, whether judicial, administrative, arbitative or otherwise.

II. To have a seal, and to alter such seal at pleasure and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any manner.

III.(a) To employ or retain as independent contractors architects, engineers, attorneys, accountants, and such other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law or personnel or civil service rule of the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

(b) To appoint qualified individuals to serve as unpaid volunteers or advisors under such terms and conditions as it may deem necessary. Such volunteers or advisors may be reimbursed for such incidental expenses determined by the board to be necessary and incurred while performing the business of the authority.

IV. To impose administrative fines and penalties for violations of authority rules regarding the airport district and the harbor management program.

V. To purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with property or any interest therein, whether tangible or intangible, for its purpose.

VI. To sell, convey, lease, exchange, transfer, abandon or otherwise dispose of, or mortgage, pledge or create a security interest in, all or any of its property or any interest therein.

VII. To apply for and accept gifts, loans, matching funds, grants, property, funds, money, materials, labor, supplies, land, or services from the United States of America or its agencies or departments or any state agency or any political subdivision of the state, or any other person, to carry out the terms and provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, or grants.

VIII. To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer or otherwise dispose of, mortgage,

pledge or grant a security interest in, use or otherwise deal in and with, bonds and other obligations, shares or other securities or interests therein issued by others, whether engaged in a similar or different business or activity.

IX. To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic, provided that no contract in excess of \$5,000, including contracts under paragraphs III and XVI, shall be made without requests for proposal. This requirement may be eliminated by an affirmative vote of 6 members of the board on any particular matter. Justification for eliminating the requirement shall be recorded in the minutes of the meeting.

X. To borrow money at such rate or rates of interest as the authority may determine, issue its notes, bonds, or other obligations to evidence such indebtedness, and secure any of its obligations by mortgage or pledge of all or any of its property or any interest in such property, tangible or intangible, whether then owned or acquired later.

XI. To arrange for guaranties of its notes, bonds, or other obligations pursuant to RSA 12-G:32 by the federal government or by any private insurer or otherwise, and to pay any premiums for such guaranties.

XII. To issue such notes, bonds, or other obligations, whether or not the income from such notes, bonds, or other obligations to the holders is exempt from federal income taxation.

XIII. To purchase notes, bonds, or other obligations of the authority at such price or prices, in such manner, and upon such terms as the authority may determine.

XIV. To invest and reinvest its funds, and take and hold property as security for the payment of funds so invested.

XV. To procure insurance against any loss in connection with its property or projects in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums for such insurance.

XVI. To enter into and perform contracts and agreements, whether or not they may be deemed to constitute indebtedness under applicable law, for the joint and separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of or other participation in facilities, products or services of any person who engages in business on property owned or controlled by the authority.

XVII. To maintain a principal office in the state and an office or offices at such other place or places as it may determine.

XVIII. To make any inquiry, investigation, survey, feasibility study or other study which the authority may deem necessary to enable it to carry out effectively the provisions of this chapter.

XIX. To apply to the appropriate agencies and officials of the federal government and the state for licenses, permits or approvals of its plans or projects as it may deem necessary or advisable, and to accept such licenses, permits or approvals as may be tendered to it by such agencies or officials, upon such terms and conditions as it may deem appropriate.

XX. To make bylaws and establish committees for the management and regulation of its affairs as it may deem necessary, and subject to agreements with bondholders, to make rules pursuant to its own procedures for the use of its projects and property, including but not limited to zoning, subdivision and site plan review regulations, and building, electric, plumbing and fire codes, and to establish and collect rentals, fees, and all other charges for the use of projects under the jurisdiction of the authority and for services or commodities sold, furnished, or supplied by the authority.

XXI. To design, construct, maintain, operate, improve, and preconstruct such projects as shall be consistent with the purposes and provisions of this chapter, including without limitation the maintenance and development of aviation services, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine.

XXII. To purchase, lease or otherwise acquire lands or interests in land, including options, on, near or adjacent to the tidal waters of the state suitable for construction, establishing and maintaining piers, wharves, warehouses or other facilities useful and necessary in the encouragement and development of commercial navigation.

XXIII. To undertake the improvement of any land acquired by it, by the construction of piers, wharves, warehouses or other facilities as specified in paragraph XXII. Any such improvement shall, insofar as possible, be self-liquidating. The authority shall charge just and reasonable fees for the use thereof.

XXIV. To take such other action as it may deem necessary and advisable in the furtherance of the purposes of this chapter.

12-G:12 Status of Authority Employees; Entitlement to State Benefits.

I. The authority may hire, fix and pay compensation, prescribe duties and qualifications and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority.

12-G:13 Coordination Between State and Federal Governments.

I. In addition to any other duties set forth in any provision of this chapter, the authority shall coordinate with, and provide information to, the United States Department of Defense, and any official or employee thereof, regarding any matter related to the ownership, condition, closure, conversion, redevelopment, or future use or operation of Pease Air Force Base. Notwithstanding any other provision of law, no political subdivision of the state shall submit any plan regarding the closure, conversion, redevelopment or future use or operation of Pease Air Force Base without the prior approval of the authority.

II. Notwithstanding any provision of law, except for the authority, no political subdivision or any agency of the state or governmental unit of the state, may apply for or receive pursuant to any provision of federal law any funds, grants or other assistance from the Office of Economic Adjustment within the United States Department of Defense relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior approval of the authority. Except for the authority, no state political subdivision, or any agency or governmental unit of the state, shall apply for or receive any funds, grants, or other assistance from any agency of the federal government relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior notification to the authority. The provisions of this paragraph shall not apply to the adjutant general or to school administrative units for the city of Portsmouth or the town of Newington.

III. Except for the adjutant general and notwithstanding any other provision of law, the authority shall be the only person in the state authorized to negotiate, purchase or otherwise obtain on behalf of the state or any of its political subdivisions any fee ownership, easement, lease or other property interest in any property in, or on a part of, Pease Air Force Base, except that the town of Newington may negotiate for and reacquire from the federal government the "Old Stone School" and associated yard located on Nimble Hill Road and the city of Portsmouth may negotiate for and acquire Jones School and Brackett School and associated yards located on Northwood Road and Rockingham Drive, respectively. The board may grant exemptions in its sole discretion from this provision to any state agency or political subdivision on such terms and conditions as it may deem appropriate.

IV. Notwithstanding any other provision of law, the authority shall be the only person authorized in the state to accept on behalf of the state or any of its political subdivisions any title to, or any other interest in, the runway, taxiways, parking aprons, hangars, control tower, airspace or other property or related facilities at Pease Air Force Base, from the United States pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. section 1622(g)), as amended.

V. Notwithstanding any other provision of law, public employees and appointed officials of the state and any of its political subdivisions may serve, if appointed in accordance with the provisions of this chapter, as directors of the authority. Any such public employee or official shall serve without compensation, except that such officials and employees may be reimbursed by the authority for such incidental expenses established by the board.

12-G:14 Local Land Use Controls.

I. Notwithstanding any other provision of law, any and all land use controls of the town of Newington and the city of Portsmouth shall not apply to any of the property at Pease Air Force Base transferred, conveyed or otherwise granted to the authority by the federal government or any agency of the federal government. The authority shall have the exclusive jurisdiction in adopting and establishing land use controls for the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the authority by the federal government or any agency of the federal government.

II. The authority shall adopt land use controls including, without limitation, regulations to establish zones, building codes, subdivision regulations, site plan review and fire codes necessary to implement the provisions of this chapter. All land use controls and amendments to such controls shall be enacted in accordance with rules of procedure adopted by the authority and shall include at least one public hearing. In order to adopt, amend, interpret, or override any land use control, 6 affirmative votes of the authority shall be required. All land use controls enacted by the authority shall be filed in the Rockingham county registry of deeds, the clerk's office for the town of Newington, the clerk's office for the city of Portsmouth, and the New Hampshire office of state planning.

III. In adopting land use controls, the authority may adopt, in whole or in part, the land use controls of the town of Newington or the city of Portsmouth, or both. If the authority opts not to adopt the land use controls of Newington or Portsmouth, or both, in whole or in part, the authority shall adopt its own land use controls which are consistent with the comprehensive conversion and redevelopment plan prepared by the Pease Air Force Base redevelopment authority and consistent with the master plans of the town of Newington, the city of Portsmouth, or any other host community.

IV. The land use controls and any amendments to them adopted by the authority shall only apply to all property at Pease Air Force Base acquired by the authority from the federal government or any agency of the federal government, and shall remain applicable and enforceable after the sale, lease, assignment or other transfer of any or all of such property to such person by the authority. All other property at Pease Air Force Base shall be subject to all land use controls of the municipalities in which such property is located.

V. With the exception of the airport zone and that portion of the airport industrial zone acquired by the Pease development authority pursuant to the Surplus Property Act of 1944, section 13-G, in the enforcement of land use controls, the following shall apply:

(a) The authority shall delegate enforcement of the land use controls to the appropriate land use boards of the town of Newington and the city of Portsmouth for property within each municipality, respectively.

(b) If the town of Newington or the city of Portsmouth, as appropriate, rejects the enforcement on the basis of Part I, Art. 28-a of the New Hampshire constitution, the authority may delegate such enforcement to the community which did not reject it or to another community. If the town of Newington or the city of Portsmouth, or both, elect to perform said enforcement, the building inspection services, zoning enforcement services, and planning services of Portsmouth or Newington, or both, shall be made available to the authority for all land within the authority's control. In addition, the building code boards of appeal, the zoning boards of adjustment and the planning boards of the respective municipalities shall process building code appeals, administrative appeals, special exception and variance requests,

as well as subdivision, site plan review and conditional use applications. The only charge that may be made for such services shall be the standard application fees charged by the municipalities for local permits.

(c) In all instances, the authority shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of its land use controls, which shall require 6 affirmative votes.

(d) Any action of the authority in the exercise of its powers under this section shall be subject to a motion for rehearing and appeal in accordance with the appropriate provisions of RSA 677. In addition to any other person deemed to be an aggrieved person, the city of Portsmouth and the town of Newington and any abutters shall have standing to appeal land use decisions made by the authority.

(e) Any property located at the former Pease Air Force Base which is sold, leased or otherwise conveyed by the United States government to any person other than the state of New Hampshire or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes and related codes prior to being occupied for any use by any person.

VI. Notwithstanding any provisions of this section, all property on Pease Air Force Base west of McIntyre Road shall be designated a wildlife preserve under the control of the United States Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge, or other appropriate federal or state agency. The authority shall not permit the development of the property designated a wildlife refuge or preserve.

VII. In any event, regulatory power over all land use controls at Pease Air Force Base except for the airport district and all property west of McIntyre Road designated as a wildlife preserve shall revert exclusively to the municipalities no later than January 1, 2020, or sooner at the election of the authority.

12-G:15 Authorization to Seek Designation as Port of Entry or International Airport and to Establish Foreign Trade Zone and Free Port Area.

I. The authority shall be and is hereby authorized to make application to the Secretary of the Treasury of the United States for the purpose of having Pease Air Force Base, or portions thereof, designated, established or constituted, a port of entry, or an international airport, pursuant to the Customs Reorganization Act, 19 U.S.C. section 1 et seq., as amended, and 19 U.S.C. section 58b, as amended, and regulations of the United States Customs Service, including 19 C.F.R. section 101.0, et seq. and 19 C.F.R. section 122.1, et seq.

II. The authority shall be and hereby is authorized to make application to the Secretary of Commerce of the United States for the purpose of establishing, operating and maintaining foreign-trade zones in New Hampshire, including at Pease Air Force Base, pursuant to the Free Trade Zone Act, 19 U.S.C. section 81a, et seq., as amended, providing for the establishment, operation and maintenance of foreign trade zones in or adjacent to ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes.

III. The authority shall have full power and authority to select and describe the location of the zone for which application to establish may be made and to make such rules and take such other actions concerning the operation, maintenance and policing of same as may be necessary to comply with the Free Trade Zone Act and the regulations adopted thereunder.

IV. The authority shall have full power and authority to lease the right or to erect, maintain and operate any structures or buildings or enclosures as may be necessary or proper for the establishing and operating of any such foreign trade zones that might be established in the state of New Hampshire.

V. The authority shall have the power and the duty to establish an area in which personal property in transit shall be exempt from the provisions of the stock-in-trade tax and such other taxes and customs as are normally levied in a port of entry. For the purpose of this section, personal property in transit through the areas established by the port authority is defined as follows: goods, wares, and merchandise which is (a) moving in interstate or international commerce through or over the areas hereinbefore established, or (b) which was consigned to a warehouse, public or private, within the state, from outside the state, whether specified when transportation begins or afterward. Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled,

divided, cut, broken in bulk, relabeled or repackaged. The exemption granted shall be liberally construed to effect the purposes of this chapter, provided, however, that the warehouse in which said goods, wares or merchandise is stored shall not be owned, in whole or in part, by either the consignee or consignor.

12-G:16 Limitations on State and Local Taxation; Provision of Services.

I. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for their well-being and prosperity and for the improvement of their social and economic conditions, and, except as provided in paragraph II the authority shall not be required to pay any tax or assessment on any property or project owned by the authority under the provisions of this chapter or upon the revenues from such property or project, nor shall the authority be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf except that a payment in lieu of taxes shall be paid by the authority to the town of Newington or the city of Portsmouth annually for highway maintenance, fire protection and other services as negotiated between the parties. Nothing in this section shall be construed to exempt any transferee, lessee or tenant of the authority from paying any recording fee, transfer tax, or other tax required by state law including property taxes.

II. All property within the boundaries of Pease Air Force Base but outside of the airport district located on Pease Air Force Base that is owned or occupied by a person, other than the authority or any other entity exempted from taxation under RSA 72:23, shall be taxable by the municipality in which the property is located as though such property were not owned by the exempt entity and were held in fee simple. Upon leasing or renting by the authority of any of its property within the boundaries of Pease Air Force Base but outside the airport district located on Pease Air Force Base to a non-exempt entity for any use, the municipality in which such property is located shall subject such property to any and all applicable property taxes of the municipality as though such property were not owned by the state or authority and were held in fee simple. Tax payments shall be made as follows:

(a) In the case of such property rented from the authority, the renter shall pay, in lieu of real estate taxes, to the municipality in which the property is located an amount equal to the amount that would have been paid as ad valorem taxes in respect to such property, had it been owned by a nongovernmental person.

(b) In the case of such property leased from the authority, the lessee of such property shall pay all taxes duly assessed against such property no later than the due date. If the lessee fails to pay such duly assessed taxes on or before the due date, the tax collector of the municipality in which the property is located shall notify the authority that such taxes remain unpaid, and such obligation shall become an obligation of the authority. Upon payment by the authority of any tax, costs and interest due upon such property, the authority shall be entitled to be reimbursed for any such payment and reasonable attorney's fees from the lessee of such property and shall have a lien upon any personal property, including, but not limited to equipment, of the lessee, which lien shall continue in force for 2 years from the date the tax was paid by the authority or until the lessee reimburses the authority.

(c) Such tax payments shall be made at the times and in the manner prescribed for ad valorem property taxes for nongovernmental persons and shall be based on the valuation of the property determined by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality. If the authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

III. Notwithstanding any other provision of law:

(a) Security for all land and buildings within the airport district and security for all flights at Pease Air Force Base shall be provided by the authority. All other police services within the airport district shall be provided by the municipalities. Any municipality providing police services to the authority shall be reimbursed in timely manner pursuant to a contract with the authority for all costs incurred by the municipality in providing such services, including but not limited to, salaries, benefits, insurance, equipment and associated administrative expenses.

(b) The provision of all other services to land, buildings and people in the airport district which are traditionally provided by the town of Newington or the city of Portsmouth, or both, shall be exclusively the responsibility of the authority. These services shall include, but not be limited to, the provision of fire protection, roadway maintenance, runway and parking apron maintenance, maintenance of all underground storage facilities, public assistance, public education and public utilities. In accordance with the provisions of RSA 12-G:11, VIII, the authority may contract with any person for the provision of these services.

(c) Outside of the airport district the provision of the municipal services by the towns of Greenland and Newington and the city of Portsmouth shall be governed by the general law of the state.

12-G:17 Distribution of Excess Revenues.

I. Subject to the limitations contained in RSA 12-G:2, VII, excess revenues of the authority may be distributed by the board annually within 30 days of the end of the authority's fiscal year as follows:

(a) 50 percent to the state treasurer for deposit in the general fund.

(b) 50 percent to the town of Newington, the town of Greenland, and the city of Portsmouth, to be distributed based upon the ratio of the equalized assessed value of the real property within the boundaries of Pease Air Force Base, but not including the airport district, located within the town or city limits of each municipality to the total equalized assessed value of all such property.

II. Before any excess revenues are distributed pursuant to subparagraphs I(a) and (b), the authority shall reimburse in full on a pro rata basis the state, the town of Newington and the city of Portsmouth for all funds provided to the former Pease Air Force Base redevelopment authority or the former Pease development authority since March 30, 1989.

III. The annual report prepared by the authority pursuant to RSA 12-G:31 shall include a detailed explanation of any distribution of excess revenues made pursuant to this section or of any decision by the board not to make such distribution.

12-G:18 Limited Liability of State and Municipalities.

I. Except as provided in paragraph II, all obligations incurred by the authority, whether arising from bonds, contracts or otherwise, shall be corporate obligations of the authority and not general obligations of the state or any political subdivision of the state, and neither the full faith and credit nor the taxing power of the state, nor any subdivision of the state is pledged to support such obligations, except as provided in RSA 12-G:32, nor shall they be deemed a debt of the state or any political subdivision of the state in determining its borrowing capacity under any applicable law.

II. Any agreement between the United States and any agency of the United States and the authority shall constitute a binding agreement between the United States and the state. Any agreement between the United States and the authority obligating the state to expend funds may be satisfied in full by revenues, bond proceeds or other funds provided by the authority in the first instance, and if such funds are insufficient, then the obligations shall be satisfied by the state from other funds. Furthermore, any agreement between the United States and the authority requiring payment of funds by the authority to purchase any property at Pease Air Force Base shall be satisfied in full by revenues, bond proceeds or other funds provided by the authority, and such payment shall not require a pledge of the full faith and credit of the state, except as otherwise provided under RSA 12-G:32.

New Hampshire Port Authority Bonds

12-G:19 Issuance of Bonds. The authority may issue bonds which shall be obligations of the authority and not general obligations of the state, except as provided in RSA 12-G:32. Such bonds may be issued from time to time consistent with the purposes and provisions of this chapter, including, without limitation, financing the preacquisition costs and other costs of acquisition of any property or interest therein at Pease Air Force Base, or for any costs incurred in undertaking any project authorized by this chapter, or for paying or refunding any bonds issued pursuant to this section or interest on such bonds. The principal of, and premium, if any, and interest on all bonds shall be payable solely by the authority in accordance with the provisions of this chapter. Prior to each new issuance of bonds, the authority shall provide written notice to the state treasurer of the maximum amount of bonds proposed to be

issued. The bonds shall be issued by the authority in such amounts as the board shall determine, not exceeding in the aggregate \$250,000,000. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the board, and shall mature at such time or times as may be determined by the board, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be made redeemable before maturity either at the option of the authority or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds. The board shall determine the form and details of the bond. Subject to RSA 93-A, the bonds shall be signed by at least 4 members of the board. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the board may determine.

12-G:20 Security Documents. Any bonds issued under this chapter may be issued pursuant to and entitled to the benefits of a security document between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a security document directly between the authority and the purchasers of the bonds, and such security document shall be in such form and executed in such manner as may be determined by the board. Such security document may include the mortgage, pledge, or grant of a security interest in any property of the authority and may pledge or assign, in whole or in part, the revenues held or to be received by the authority, any contract or other rights to receive the revenues, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and any proceeds thereof. Such security documents may contain provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the board, be reasonable and proper and not in violation of law. Such security documents may include provisions defining defaults and providing for remedies in the event of defaults, which may include the acceleration of maturities and the enforcement of any mortgage, pledge or security interest, and covenants setting forth the duties of, and limitations on, the authority in relation to the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of rates, charges and other revenues, the use of any surplus bond proceeds, the establishment of reserves, the acquisition of any property or interest therein or undertaking of any project, any contracts relating thereto and subsequent amendments of such provisions and contracts. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under a security document and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or credit facilities as may be required by the authority acting under this subdivision. Any such security document may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

12-G:21 Credit Facilities and Insurance. Any bonds issued under authority of this subdivision may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the board may determine to be in the best interests of the authority. In addition to other security provided herein or otherwise by law, bonds issued by the authority under this subdivision may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the authority by any bank, trust company or other financial institution, within or without the state, and the authority may make any pledge, mortgage, assignment or security interest in respect of its property and revenues as security for the reimbursement by the authority to the issuers of such letters or lines of credit, insurance or credit facilities or any payments made thereunder.

12-G:22 Perfection and Priority of Mortgage, Pledge or Security Interest. Any mortgage, pledge or security interest made by the authority under this subdivision shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and all other laws from the time when the mortgage, pledge or security interest is made. The property or revenues so mortgaged, pledged or subjected to a security interest then held or there-

after acquired or received by the authority shall immediately be subject to the lien of such mortgage, pledge or security interest without any physical delivery or segregation thereof or further act. The lien of such mortgage, pledge or security interest shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. No such property or revenues may be used in a manner inconsistent with the terms governing such mortgage, pledge or securities interest. Any agreement by which a pledge or security interest in personal property is created under this subdivision shall be filed or recorded in the records of the secretary of state. Any mortgage or other agreement by which a security interest in real property is created under this subdivision shall be filed with the register of deeds for Rockingham county.

12-G:23 Enforcement of Rights. Any owner of a bond issued under the provisions of this subdivision and any trustee under a security document securing the same, except to the extent the rights given in this section may be restricted by such security document, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state granted hereunder or under such security document and may enforce and compel performance of all duties required by this chapter or by such security document to be performed by the authority or by any director or officer of the authority.

12-G:24 Refunding Bonds. The authority, when authorized by the board, may issue refunding bonds for the purpose of paying any bonds issued under the provisions of this subdivision at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the board may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a security document securing the bonds. The authorization and issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the authority in respect to the same shall be governed by the provisions of this subdivision relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

12-G:25 Separate Funds. Any debt service fund, construction fund, debt service reserve fund or other fund established in connection with the issuance of bonds under this subdivision shall be kept separate from other moneys of the authority. The moneys deposited in any such funds, together with the income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the security document establishing such funds.

12-G:26 Investment of Funds. Moneys in any fund or account created under the provisions of this subdivision, subject to the terms and provisions of any security document applicable thereto, may be invested. Except as otherwise provided by any such security document, obligations so purchased as an investment of money in said fund or account shall be deemed at all times to be part of said fund or account, and the interest thereon and any profit arising from the sale thereof shall be credited to said fund or account, and any loss resulting on their sale shall be charged to said fund or account, respectively.

12-G:27 Alteration of Rights of Bondholders. The state does hereby pledge to and agree with the holders of bonds issued under this chapter that the state shall not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the said holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

12-G:28 Tax Exemption. Bonds issued under this subdivision and their transfer and income, including any profit made on their sale or transfer, shall at all times be exempt from all taxation by or within the state.

12-G:29 Investment Securities. Notwithstanding any of the provisions of this subdivision or any recitals in any bonds issued under this subdivision, all such bonds shall be deemed to be investment securities under RSA 382-A.

12-G:30 Eligible Investments. Bonds issued under the provisions of this subdivision are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or any political subdivision is now or may hereafter be authorized by law.

12-G:31 Audit and Annual Reports. The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to all appointing authorities, to the house appropriations committee, and to the senate finance committee a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

12-G:32 State Bond Guarantee.

I. In view of the general public benefits expected to be derived from the property acquisitions and projects to be financed under this chapter, and their contribution to the social and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this subdivision. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$75,000,000, plus interest. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form: The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

II. In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use of any property or operation of any project and the revenues therefrom, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the authority, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by at least 5 directors.

12-G:33 New Hampshire Port Authority Fund; Expenditure of Other Revenues.

I. For the purpose of providing a fund to be known as the New Hampshire port authority fund, the state treasurer shall credit to such fund any appropriation made to the authority for each fiscal year.

II. All sums so credited are appropriated to the authority:

(a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with property or any interest therein, whether tangible or intangible;

(b) To pay the costs of operating, maintaining, improving and repairing all property and projects of the authority;

(c) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits and other expenses authorized by the board or the executive director;

(d) To pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority as the same become due and payable;

(e) To create and maintain reserves established pursuant to RSA 12-G:20 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority;

(f) To pay all taxes owed by the authority;

(g) To pay any excess revenues authorized pursuant to RSA 12-G:17; and

(h) In general for the payment of all expenses incident to the management and operation of the authority as are consistent with its statutory purpose and as the board thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining to the credit of the authority at the close of any fiscal year shall be nonlapsing and shall be carried over and credited to its account for the succeeding year.

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. The revenues received and due to the authority from all other sources, except by way of state appropriation, from whatever source derived shall be retained by the authority and shall be used in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust or security document.

12-G:34 Facility Improvement Fund. The authority shall establish a separate, nonlapsing, revolving fund to be known as the facility improvement fund to cover renovation, repair, and maintenance costs of existing authority facilities.

I. Until such time as the authority is able to cover its operating expense through authority revenues, the state of New Hampshire shall appropriate annually to the authority a sum sufficient to begin each new fiscal year with a fund balance of \$1,000,000. The authority shall submit to the governor, in time for preparation for the legislative session, a written request for an appropriation for the sum, if any, required to ensure a beginning balance of \$1,000,000 in the fund. All sums appropriated by the general court, if any, paid to the authority to capitalize the facility improvement fund shall be deposited in such fund.

II.(a) Once the authority is able to cover its operating expenses through authority revenues, the state of New Hampshire shall no longer be obligated to capitalize the facility improvement fund; provided, however, that the authority reserves the right to approach the legislature through the governor's office with appropriation requests from time to time as necessary.

(b) When the authority becomes self-sufficient the authority shall maintain the facility improvement fund at a minimum of \$1,000,000 and shall not exceed \$5,000,000 in any fiscal year.

Miscellaneous

12-G:35 Annual Operating Budget; Bonding; Quarterly Reports.

I. The board shall approve and submit an annual operating budget to the fiscal committee and the governor and council.

II. The board shall approve and submit any capital budget requests for new construction and any projects too large to be funded through the facility improvement fund to the governor in time for preparation for the next legislative session.

III. Until such time as the authority is self-funding, the board shall submit quarterly financial reports on its revenues and expenditures to the governor, the senate president, and the speaker of the house.

12-G:36 Reservation of Authority of Towns. All towns and cities within the confines of which there are ports, harbors or navigable tide rivers of the state which are subject to the jurisdiction of the authority shall retain all the powers of such town or city relative to such ports, harbors and navigable tide rivers and the lands abutting the same so long as the authority has not pre-empted the jurisdiction provided in this section.

12-G:37 Employment of New Hampshire Residents.

I. Any contractor bidding on a project at the port of Portsmouth which is funded through the authority or the state of New Hampshire shall be encouraged to employ the maximum possible number of New Hampshire residents.

II. For the purposes of this section, "resident" shall mean any person maintaining a dwelling within the state of New Hampshire who has a present intent to remain within the state for a period of time.

12-G:38 Harbor Pilots. The authority may prescribe the qualifications of harbor pilots, and from time to time appoint and commission, under its hand and seal, as many harbor pilots as it may judge necessary, and remove the same at pleasure; and it shall take from them such security, by bond or otherwise, as it may deem proper.

12-G:39 Authority of Harbor Pilot. Any harbor pilot appointed by the authority, who has given security for the faithful discharge of his duties, may take charge of any vessel, except pleasure or fishing vessels, or a vessel of 150 registered or enrolled tons and under, and shall pilot such vessel into and out of the river and harbor of the Piscataqua, first showing to the harbor master his appointment if requested.

12-G:40 Harbor Pilots Required. All vessels, except pleasure or fishing vessels, or vessels of 150 registered or enrolled tons or under, and U.S. flag coastwise vessels with a Federal pilot aboard shall be piloted by a harbor pilot appointed by the authority into and out of the Piscataqua River and harbor from a point designated by the authority.

12-G:41 Harbor Masters. The harbor masters appointed by the authority shall have authority, under the supervision of the authority, to oversee the harbor for which he was appointed master, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, and to inquire into all offenses occurring within his area of responsibility and to perform such duties and enforce such regulations as the authority shall prescribe. Marine law enforcement shall be in accordance with RSA 270:12-a.

12-G:42 Penalty. Whoever violates any of the rules of the authority shall be guilty of a violation.

2 Transition. Upon passage of this act, the executive director of the Pease development authority and the port authority director shall develop and implement a fully integrated unified marketing policy to be used until the merger occurs on July 1, 1994.

3 Transfer of Duties.

I. All functions, powers, duties and obligations of the New Hampshire port authority and the Pease development authority, in existence, prior to July 1, 1994, are hereby transferred to and vested in the New Hampshire port authority. The transfer provided in this section shall become effective on July 1, 1994, except that the port authority board of directors shall continue in existence for the sole purpose of making the initial appointments to the committee established in RSA 12-G:9, II of section 1 of this act. Such appointments shall be made on or before July 3, 1994.

II. The transfer of the port authority and the Pease development authority provided under paragraph I shall include all of the personnel, books, papers, records, unexpended appropriations or other funds, actions and other property or obligations of every kind formerly a part of the port authority or the Pease development authority.

4 Appropriation. The sum of \$1,000,000 is hereby appropriated to the New Hampshire port authority as established in section 1 of this act to fund the facility improvement fund for the fiscal year ending June 30, 1995. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

5 Reference Changed. Amend RSA 12-A:2-h to read as follows:

12-A:2-h International Trade Promotion. The commissioner of resources and economic development shall plan, develop and administer programs for international trade promotion and inward investment promotion in cooperation with the *New Hampshire* port authority and the Small Business Development Center and other private organizations. The commissioner shall take a proactive role in targeting foreign trade shows and foreign trade missions and shall assist New Hampshire businesses desiring to participate in these shows and missions. In plan-

ning, developing, and administering programs under this section, the commissioner shall be assisted by the advisory committee on international trade established in RSA 12-A:30 and may draw on the revolving fund created under RSA 12-A:31.

6 Reference Changed. Amend RSA 12-A:30, II(g) to read as follows:

(g) The *executive* director of the New Hampshire port authority or designee.

7 Reference Changed. Amend RSA 21-I:49, VII to read as follows:

VII. Personnel of the [Pease development authority] *New Hampshire port authority*.

8 Reference Changed. Amend RSA 72-A:1, I-a to read as follows:

I-a. "Commercial boat" means a vessel used primarily for commercial purposes which, in the case of vessels used for tidal and coastal waters, is verified by the *New Hampshire* port authority by means of a notarized document affirming that the vessel is so used. For the purposes of this paragraph "primarily for commercial purposes" means that the vessel is not used for more than 14 days of non-commercial use per registration year.

9 Reference Deleted. Amend RSA 94:1-a, I by striking out in group L, director, port authority.

10 Reference Changed. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency [thereof] *of the state*, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the [Pease development authority] *New Hampshire port authority* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

11 Reference Changed. Amend RSA 211:19-a, II to read as follows:

II. State conservation officers and persons appointed by the New Hampshire [state] port authority shall enforce the provisions of this section, and may remove gear from the restricted area if the verbal request authorized in paragraph I of this section is ignored.

12 Reference Changed. Amend RSA 211:60-a, II to read as follows:

II. For the original appointments hereunder there shall be nominated 4 persons, and thereafter there shall be nominated at least 2 persons for each vacancy. Said subsequent nominations shall be made by the [state] *New Hampshire* port authority.

13 Reference Changed. Amend RSA 216-C:2 to read as follows:

216-C:2 Federal Assistance. The New Hampshire [state] port authority with the approval of the governor and council or the commissioner of public works and highways as their appointed agent, are hereby authorized to cooperate with and enter into agreements with the federal government, or any agency [thereof] *of the federal government*, as they may deem advisable to secure federal funds for the purposes hereof and further to render such assurances to the federal government on behalf of the state as the federal government may require, including but not limited to, an assurance that the state of New Hampshire will hold and save the United States free from all claims for damages that may arise before, during or after prosecution of the work.

14 Reference Changed. Amend RSA 270-E:2, II(e) to read as follows:

(e) A vessel used primarily for commercial purposes which, in the case of vessels used on tidal and coastal waters, is verified by the New Hampshire port authority by means of a notarized document affirming that the vessel is so used.

15 Reference Changed. Amend RSA 270-E:3, II to read as follows:

II. The department shall furnish a registration certificate or temporary registration certificate and a vessel number to any person who meets the registration requirements. The certificate shall be kept upon the vessel at all times it is being operated, and the certificate shall be open to examination by any duly authorized representative of the department, peace officer, fish and game officer, or representative of the *New Hampshire* port authority upon request. A person who refuses to produce the certificate upon request or who fails to keep the certificate on the vessel shall be guilty of a violation.

16 Reference Changed. Amend RSA 483-B:12, IV to read as follows:

IV. The [state] *New Hampshire* port authority may request an exemption under this section for all or a portion of any land purchased, leased, or otherwise acquired by it pursuant to RSA [271-A] *12-G*.

17 Reference Changed. Amend RSA 541-A:10, I(n) to read as follows:

(n) RSA 12-G, relative to the [Pease development authority] *New Hampshire port authority*.

18 Reference Changed. Amend RSA 541-B:1, I to read as follows:

I. "Agency" means all departments, boards, offices, commissions, institutions, other instrumentalities of state government, including but not limited to the New Hampshire port authority, the New Hampshire housing finance authority, *and* the New Hampshire energy authority, [and the Pease development authority,] and the general court, including any official or employee of same when acting in the scope of his elected or appointed capacity, but excluding political subdivisions of the state.

19 Repeal. The following are repealed:

- I. RSA 12-A:30, I(k), relative to the director of the Pease development authority.
- II. RSA 271-A, relative to the New Hampshire state port authority.

20 Effective Date.

- I. Section 2 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect on July 1, 1994.

AMENDED ANALYSIS

This bill merges the responsibilities of the Pease development authority and the New Hampshire port authority to create a New Hampshire port authority.

The authority shall be responsible for facilitating commerce in the seacoast area through development of air, sea, and surface transportation and land development in the area.

The bill also appropriates funds to the authority to capitalize the facility improvement fund. The new authority shall come into existence July 1, 1994.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (4488B)

Amend RSA 12-G:2 as inserted by section 1 of the bill by inserting after paragraph XV the following new paragraph and renumbering the original paragraph XVI to read as XVII:

XVI. "Self-funding" means when revenue equals operating expenses plus debt service obligation of the former Pease Development Authority as of July 1, 1994.

Amend 12-G:4 as inserted by section 1 of the bill by replacing it with the following:

12-G:4 Management by Board of Directors.

I. The management of the authority shall be vested in a board of 7 directors and one ex officio non-voting member to be appointed as follows:

- (a) One member appointed by the governor and executive council.
- (b) Two members appointed by the mayor and city council of the city of Portsmouth.
- (c) One member appointed by the board of selectmen of the town of Newington.
- (d) One member appointed by the president of the senate.
- (e) One member appointed by the speaker of the house of representatives.
- (f) One member who is nominated by majority vote of the legislative delegation of

Strafford county, including the senators whose districts include towns in Strafford county and who is appointed by the governor, the senate president, and the speaker of the house. The person appointed in this manner shall be a resident of Strafford county.

(g) The commissioner of the department of resources and economic development, who shall be a nonvoting ex officio member.

II. The governor shall appoint the chairman of the board, who shall serve in that capacity at the pleasure of the governor. Directors shall hold office for 3 years and until their successors shall have been appointed, which period shall not exceed 3 months. In the event that an appointing authority does not make an appointment within 3 months after the effective date of this chapter or the expiration of a term or the creation of a vacancy, the governor shall make an appointment to fill the position for the term of the remainder of a term. No member shall serve more than 2 full or partial terms. Directors shall serve staggered terms. The persons initially appointed under subparagraphs I(a), (b) and (f) shall serve for 3 years, those initially appointed under subparagraphs I(c), (d) and (e) shall serve for 2 years. State appointed directors may be removed from office pursuant to the provisions of RSA 4:1. Directors appointed by the municipal appointing authorities may be removed from office for cause after hearing by the municipal appointing authorities.

III. Four members of the board shall constitute a quorum. A minimum of 4 affirmative votes shall be required for any action of the board, except for the adoption of land use controls, which shall require 5 votes.

IV. The directors shall serve without compensation from the authority, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the authority.

V. Voting directors shall be residents of the state. No voting director shall be an elected public official of the state, federal government, or any political subdivision of the state or federal government.

Amend RSA 12-G:11, IX as inserted by section 1 of the bill by replacing it with the following:

IX. To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic, provided that no contract in excess of \$5,000, including contracts under paragraphs III and XVI, shall be made without requests for proposal. This requirement may be eliminated by an affirmative vote of 5 members of the board on any particular matter. Justification for eliminating the requirement shall be recorded in the minutes of the meeting.

Amend RSA 12-G:14, II as inserted by section 1 of the bill by replacing it with the following:

II. The authority shall adopt land use controls including, without limitation, regulations to establish zones, building codes, subdivision regulations, site plan review and fire codes

necessary to implement the provisions of this chapter. All land use controls and amendments to such controls shall be enacted in accordance with rules of procedure adopted by the authority and shall include at least one public hearing. In order to adopt, amend, interpret, or override any land use control, 5 affirmative votes of the authority shall be required. All land use controls enacted by the authority shall be filed in the Rockingham county registry of deeds, the clerk's office for the town of Newington, the clerk's office for the city of Portsmouth, and the New Hampshire office of state planning.

Amend RSA 12-G:17 as inserted by section 1 of the bill by deleting paragraph II and renumbering paragraph III to read as II.

Amend RSA 12-G:32, II as inserted by section 1 of the bill by replacing it with the following:

II. In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use of any property or operation of any project and the revenues therefrom, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the authority, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by at least 4 directors.

Amend RSA 12-G:34 and 35 and the subdivision preceding RSA 12-G:35 as inserted by section 1 of the bill by replacing them with the following:

12-G:34 Facility Improvement Fund.

I. The authority shall establish a separate, nonlapsing, revolving fund to be known as the facility improvement fund to cover renovation, repair, removal and maintenance costs of existing authority facilities.

II. Until such time as the authority is self-funding or June 30, 1998, whichever occurs first, the state of New Hampshire shall appropriate annually to the authority a sum sufficient to begin each new fiscal year with a fund balance of \$1,000,000. The authority shall submit to the governor, in time for preparation for the legislative session, a written request for an appropriation for the sum, if any, required to ensure a beginning balance of \$1,000,000 in the fund. All sums appropriated by the general court, if any, paid to the authority to capitalize the facility improvement fund shall be deposited in such fund. Expenditures shall be subject to timely approval of the capital budget overview committee.

III.(a) Once the authority is self-funding or June 30, 1998, whichever occurs first the state of New Hampshire shall no longer be obligated to capitalize the facility improvement fund; provided, however, that the authority reserves the right to approach the legislature through the governor's office with appropriation requests from time to time as necessary.

(b) When the authority becomes self-funding the authority may maintain the facility improvement fund provided that it shall not exceed \$5,000,000 in any fiscal year.

12-G:35 Biennial Operating Budget; Capital Budget; Quarterly Reports.

I. Until such time as the authority is self-funding the board shall approve and submit a biennial operating budget to the governor for submission to the legislature for approval. Once the authority becomes self-funding, the board shall approve and submit a biennial budget to the fiscal committee and the governor for approval.

II. The board shall approve and submit any capital budget requests for new construction and any projects too large to be funded through the facility improvement fund to the governor in time for preparation for the next legislative session.

III. Until such time as the authority is self-funding, the board shall submit quarterly financial reports on its revenues and expenditures to the governor, the senate president, and the speaker of the house.

Amend the bill by deleting section 2 and renumbering the original sections 3-20 to read as 2-19, respectively.

Amend the bill by replacing section 19 with the following:

19 Effective Date. This act shall take effect July 1, 1994.

Rep. Syracuse spoke in favor and yielded to questions.

Adopted.

Rep. Fuller Clark offered a floor amendment.

Floor Amendment (4529B)

Amend RSA 12-G:2, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. "Self-funding" means when revenue equals operating expenses plus debt service obligation of the former Pease Development Authority as of July 1, 1996.

Amend RSA 12-G:9 as inserted by section 1 of the bill by replacing it with the following: 12-G:9 Port Expansion Special Committee. There is hereby established a port expansion special committee to advise, consult and provide oversight assistance to the New Hampshire port authority on port expansion that was authorized by a 1993 permit of the United States Army Corps of Engineers. The committee shall:

I. Be composed of 6 individuals appointed by the outgoing board of directors of the port authority. The vice-chair of the board of directors of the New Hampshire port authority shall serve as chair and the seaport division director of the New Hampshire port authority shall serve as secretary.

II. Cease to exist on June 1, 2001, unless extended by the New Hampshire port authority. Any vacancies occurring on the committee shall be filled by the authority.

Amend RSA 12-G:34, II and III(a) as inserted by section 1 of the bill by replacing them with the following:

II. Until such time as the authority is self-funding or June 30, 2000, whichever occurs first, the state of New Hampshire shall appropriate annually to the authority a sum sufficient to begin each new fiscal year with a fund balance of \$1,000,000. The authority shall submit to the governor, in time for preparation for the legislative session, a written request for an appropriation for the sum, if any, required to ensure a beginning balance of \$1,000,000 in the fund. All sums appropriated by the general court, if any, paid to the authority to capitalize the facility improvement fund shall be deposited in such fund. Expenditures shall be subject to timely approval of the capital budget overview committee.

III.(a) Once the authority is self-funding or June 30, 2000, whichever occurs first the state of New Hampshire shall no longer be obligated to capitalize the facility improvement fund; provided, however, that the authority reserves the right to approach the legislature through the governor's office with appropriation requests from time to time as necessary.

Amend paragraph 1 of section 2 of the bill by replacing it with the following:

I. All functions, powers, duties and obligations of the New Hampshire port authority and the Pease development authority, in existence, prior to July 1, 1996, are hereby transferred to and vested in the New Hampshire port authority. The transfer provided in this section shall become effective on July 1, 1996, except that the port authority board of directors shall continue in existence for the sole purpose of making the initial appointments to the committee established in RSA 12-G:9, II of section 1 of this act. Such appointments shall be made on or before July 3, 1996.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1,000,000 is hereby appropriated to the New Hampshire port authority as established in section 1 of this act to fund the facility improvement fund for the fiscal year ending June 30, 1997. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

Amend the bill by replacing section 19 with the following:

19 Effective Date. This act shall take effect July 1, 1996.

AMENDED ANALYSIS

This bill merges the responsibilities of the Pease development authority and the New Hampshire port authority to create a New Hampshire port authority.

The authority shall be responsible for facilitating commerce in the seacoast area through development of air, sea, and surface transportation and land development in the area.

The bill also appropriates funds to the authority to capitalize the facility improvement fund.

The new authority shall come into existence July 1, 1996.

Reps. McCann and Fuller Clark spoke in favor.

Reps. Beverly Gage and Bonnie Packard spoke against.

On a division vote, 122 members having voted in the affirmative and 231 in the negative, the floor amendment failed.

Report adopted and referred to Appropriations.

HB 625-FN, relative to the sale of fireworks and levying a tax thereon. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Public Protection and Veterans Affairs: This bill is the result of an intensive two-year study by facets of the fireworks industry, enforcement officials and legislators. It permits the handling, use and local control of only those consumer (Class C) fireworks approved by the United States Consumer Product Safety Commission. The results of this effort is a middle-ground between those wishing a complete ban and the continued traditional celebratory use of approved pyrotechnics. Vote 11-0.

Amendment (3607B)

Amend the bill by replacing all after the enacting clause with the following:

1 Fireworks. RSA 160-B is repealed and reenacted to read as follows:

CHAPTER 160-B

FIREWORKS

Class B Fireworks

160-B:1 Definitions. As used in this subdivision:

I. "Fireworks" means class B special fireworks.

II. "Class B special fireworks" means class B special fireworks as defined in 49 CFR section 173.88(d), packaged and unpackaged.

III. "Commissioner" means the commissioner of the department of safety.

IV. "Display" means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.

V. "Sale" or "sell" means to sell, give or transfer to another, with or without consideration.

VI. "Retail" means the sale to any consumer or person not engaged in the business of making sales of fireworks.

VII. "Wholesale" means engaging in the business of making sales to any other person engaged in the business of making sales of fireworks. "Wholesale" shall not include any making of sales to consumers or persons not engaged in the business of making sales of fireworks. To constitute a wholesale sale a sale must be for a minimum amount of \$1,000. This minimum may be increased by the commissioner by rule adopted pursuant to RSA 541-A.

160-B:2 Sale; Penalty.

I. No person shall sell fireworks other than a person who meets all of the following requirements:

(a) Has a federal permit to sell class B fireworks issued in accordance with title 18 of the United States Code.

(b) Has a state license to sell fireworks issued pursuant to RSA 160-B:6.

(c) Has a local permit to sell fireworks issued pursuant to RSA 160-B:6.

II. No person shall sell fireworks other than:

(a) To a person who presents a certificate of competency issued pursuant to RSA 160-B:7 and RSA 158:9-f and leaves a copy of such certificate and who presents a permit to display issued pursuant to RSA 160-B:7 and leaves a copy of such permit; or

(b) To a person who possesses and shows a license for the storage of class B fireworks issued pursuant to RSA 158:9-f; or

(c) At wholesale to a person engaged in the sale of fireworks meeting all of the specifications in RSA 160-B:6, VII.

III. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

160-B:3 Display; Penalty.

I. No person shall display fireworks other than a person who meets all of the following requirements:

(a) Has obtained a certificate of competency issued pursuant to RSA 158:9-f which he has in his possession at the time of display and which has not been revoked or suspended.

(b) Has obtained a municipal permit to display issued pursuant to RSA 160-B:7 which he has in his possession and which has not been revoked or suspended.

II. Any person who violates the provisions of this section by displaying class B special fireworks shall be guilty of a misdemeanor.

160-B:4 Possession; Penalty.

I. No person shall possess fireworks other than the following:

(a) A person who has in his possession a certificate of competency issued pursuant to RSA 158:9-f and a valid permit to display issued pursuant to RSA 160-B:7.

(b) A person who has a federal permit to sell class B fireworks issued in accordance with title 18 of the United States Code, a state license issued pursuant to RSA 160-B:6 and a municipal permit issued in accordance with RSA 160-B:6, or an employee of such person. For the purposes of this subparagraph, "employee" shall be limited to a person who is reported as an employee for state and federal tax purposes and for unemployment compensation purposes.

(c) A common carrier which is in possession of a bill of lading indicating that fireworks are being shipped to or from a licensed and permitted seller or a person who has a certificate of competency and a permit to display.

(d) Any manufacturer or common carrier shipping fireworks in interstate commerce through the state of New Hampshire which are not being delivered or received in this state.

(e) A person who has a licensed facility for the storage of class B fireworks pursuant to RSA 158:9-c.

II. Any person who violates the provisions of this section shall be guilty of a violation unless he possesses with intent to sell, in which case he shall be guilty of a misdemeanor.

160-B:5 Issuance of Permit; Penalty.

I. No person shall issue a permit or license to display fireworks contrary to this subdivision.

II. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

160-B:6 Requirements for Sale of Class B Fireworks.

I. Any person who desires to sell fireworks as limited by RSA 160-B:2 may apply to the municipality in which he desires to sell fireworks. The licensing board of any municipality or, if one does not exist, the chief of police, the fire chief, or the governing body may issue a permit to sell fireworks to a person who applies, provided that the person has a valid permit for the sale of fireworks issued pursuant to title 18 of the United States Code. The municipality may charge a fee for the permit or application for permit under this section.

II. After the person has obtained a municipal permit to sell fireworks he may apply for a state license to sell fireworks. Upon application of any person, the commissioner, or a person designated by the commissioner, may issue a license authorizing the applicant to sell or market fireworks in this state for not more than one year from the date of issue, provided the person has first obtained a permit to sell fireworks pursuant to RSA 160-B:6, I. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The license shall be displayed at all times, openly and publicly, at the licensee's place of business. The original of the license shall be delivered to the licensee and the duplicate shall be preserved by the commissioner. The license shall be issued within a reasonable time after application.

III. The state license may be issued to an applicant who, at the time such license is issued, possesses a permit issued in accordance with title 18, United States Code, governing fireworks and a permit issued pursuant to RSA 160-B:6, I. No license shall be issued for the sale of fireworks unless the applicant establishes that it will locate its business in a permanent structure which meets all applicable fire safety codes, building codes, zoning codes, and the requirements of local ordinances. No license for the sale of fireworks shall be issued to any person who has been convicted of a felony if the felony has not been annulled by a court of record or to any person who has been convicted of any offense involving fireworks or explosives or who has been found to have violated any fireworks or explosives laws, rules, or regulations. No license shall be issued to any person under 21 years of age.

IV. If such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the department of safety.

V. The fee for a license for each location shall be \$1,000 per year, payable annually to the department of safety for deposit into the general fund.

VI. A person who has a federal permit issued in accordance with title 18, United States Code, governing fireworks, a state license issued pursuant to this section, and a local permit issued pursuant to this section may sell fireworks; however, such a person shall only sell them to a person who shows a certificate of competency issued pursuant to RSA 158:9-f, or who shows a license for the storage of class B fireworks issued pursuant to RSA 158:9-c, or a license to sell at wholesale as provided in this subdivision. Any sale which the seller makes shall be recorded, and the record, at a minimum, shall contain a copy of the purchaser's certificate of competency and display permit and, in the case of a wholesale sale, the purchaser's retail number from the state of residence, IRS tax identification number or such other information as the commissioner shall specify by rule adopted pursuant to RSA 541-A.

VII. A wholesale sale shall not be made to a person or corporation which resides in New Hampshire other than to a person or corporation licensed to sell fireworks pursuant to paragraphs I-III of this section. Any wholesale sale shall be shipped by common carrier or by the wholesaler making the sale. For the purposes of this shipment the wholesaler shall not be authorized to make any person an agent for the limited purpose of transporting fireworks.

VIII. The only retail sale allowed shall be a sale to a person who possesses a certificate of competency and a display permit and leaves a copy of such certificate and display permit with the seller.

IX. No person under the age of 21 shall be engaged in the business of handling or selling any fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell fireworks if he is under the direct supervision of a person 21 years of age or older.

160-B:7 Requirements for Display of Fireworks.

I. The commissioner may issue a certificate of competency to display fireworks as provided in RSA 158:9-f to a person who meets the requirements established under that section.

II. Any municipality, fair association, amusement park or other organization may apply for a permit to display fireworks and shall include in the application the name of a person who has been issued a certificate of competency who shall be responsible for conducting the display and a copy of that individual's certificate.

III. The chief of police, licensing board, or governing body of the municipality, after an inspection has been conducted by the fire chief, may issue a permit to display fireworks. The permit shall specify the date on which the display is to be conducted and any other conditions that may be imposed.

IV. The display shall be of such a character, and so located and displayed, as in the opinion of the chief of the fire department or fire ward, after proper inspection, that it shall not be hazardous to property or endanger any person.

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The town, city or village district may charge a reasonable fee for a permit to display fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, he may revoke the permit.

160-B:8 Rulemaking. The commissioner shall adopt rules pursuant to RSA 541-A relative to:

I. The procedure and reasons for suspending or revoking a license issued pursuant to RSA 160-B:6.

II. Increasing the amount of sale necessary to constitute a wholesale sale, to account for inflation or other economic factors.

III. Expanding the definition of fireworks to cover any other devices used for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation which are not covered by the federal regulations governing class B fireworks but which are deemed by the commissioner to constitute a threat to public safety.

IV. Insurance, bonding, or other evidence of financial responsibility to be required of any person licensed under this subdivision.

V. Forms for local permits to sell fireworks and local permits to display fireworks.

VI. All matters necessary to implement the provisions of RSA 160-B:12, relative to exceptions.

160-B:9 Enforcement. Upon application, the superior court or district court is authorized to permit the law enforcement officials or certified fire citation officers of the state, counties, or any city or town to seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this subdivision. Nothing in this section shall be construed to restrict or limit any other authority granted by law to law enforcement officials or certified fire citation officers.

160-B:10 Local Option. Any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits or licenses to the extent authorized under RSA 160-B:6 and 160-B:7. If the municipality has voted to prohibit the issuance of permits or the display or possession of fireworks prior to the effective date of this section, such decision shall remain in effect unless subsequent action is taken under this section.

160-B:11 Civil Liability. In addition to any other penalties imposed under this subdivision, any person who violates the provisions of this subdivision shall be liable, in any civil action, to any person for damages resulting from the illegal sale or use of fireworks, and neither assumption of risk nor contributory negligence shall be a defense for such violator.

160-B:12 Exceptions. The commissioner may issue permits granting exceptions to the provisions of this subdivision to persons who intend to use fireworks for agricultural, railroad, or military purposes, provided that the type of fireworks to be used are designed in such a way as to accomplish the purpose for which the permit is sought and provided that the person who applies for the exception has first received approval by the appropriate local official.

160-B:13 Appeal. Any person aggrieved by a decision of the commissioner pursuant to this subdivision may appeal pursuant to RSA 541.

160-B:14 Immediate Suspension Authority. Notwithstanding any other provision of law to the contrary, the commissioner may immediately suspend a license issued pursuant to this subdivision if the commissioner has evidence that the licensee is selling fireworks contrary to any of the provisions of this subdivision or any rules adopted under this subdivision. Any person whose license is suspended pursuant to this section shall be given the opportunity for a hearing within 10 days of the suspension. Any person found to be selling fireworks after his license has been suspended pursuant to this section shall not have his license reinstated for a minimum of one year from the date of suspension.

160-B:15 Advertising.

I. No person shall advertise fireworks by means of radio, television, newspaper, flyer, catalog, billboard, mobile or stationary sign, or any other means in such a way as to confuse or mislead the public about:

(a) The conditions under which fireworks may be purchased.

(b) The conditions under which fireworks may be used.

(c) The requirements contained in this subdivision or any other provision of state or federal law or regulations.

II. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

Consumer Fireworks

160-B:16 Definitions. As used in this subdivision:

I. "Fireworks" means "consumer fireworks" as defined in this section.

II. "Consumer fireworks" (formerly class C fireworks) means items which comply with regulations of the United States Consumer Product Safety Commission and Department of Transportation definition.

III. "Display" means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a consumer firework to do what it was manufactured to do.

IV. "Sale" or "sell" means to sell or transfer for consideration.

160-B:17 Sale; Penalty.

I. No person shall sell fireworks other than a person who has a local permit to sell fireworks issued pursuant to this subdivision.

II. Any person who violates the provisions of this section shall be guilty of a violation.

160-B:18 Display; Penalty.

I. No person shall display fireworks other than a person who has obtained such fireworks from a person authorized to sell pursuant to this subdivision.

II. Any person who violates the provisions of this section by displaying consumer fireworks shall be guilty of a violation.

160-B:19 Requirements for Sale of Fireworks; Permit.

I. Any person who desires to sell consumer fireworks shall apply to the municipality in which such person desires to sell such fireworks. The licensing board of any municipality or, if one does not exist, the chief of police, the fire chief, or the governing body shall issue a permit to sell consumer fireworks to a person who applies, provided that the person demonstrates that the structure from which the person will be operating conforms to all applicable local zoning, building and fire safety codes.

II. If such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the body which denied the application.

III. The municipality may charge an annual fee for the permit which shall not exceed \$5,000.

IV. No person under the age of 21 shall be engaged in the business of handling or selling any fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell fireworks if such person is under the supervision of a person 21 years of age or older.

160-B:20 Local Option.

I. Notwithstanding any provision of this subdivision, any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits under RSA 160-B:19. If the municipality has voted to prohibit the issuance of permits or the display or possession of fireworks prior to the effective date of this section, such decision shall remain in effect unless subsequent action is taken under this section.

II. Notwithstanding any law to the contrary, a person who is 18 years of age or older may possess or transport consumer fireworks in a municipality which has voted to prohibit fireworks under paragraph I.

160-B:21 Advertising. Any advertisement for the sale of fireworks shall at a minimum contain the words: "Check with your local fire department to learn how to safely use fireworks in your community. Always keep fireworks away from children."

160-B:22 Selling Consumer Fireworks. Notwithstanding any law to the contrary, a person who is permitted by the local authority may sell consumer fireworks to a person 18 years of age or older. Any person who sells consumer fireworks shall not mix such fireworks with any class B special fireworks when displaying them for sale.

2 Applicability. Any person currently operating a business selling consumer fireworks may continue to sell such fireworks, but shall obtain a permit under RSA 160-B:19 within one year of the effective date of this act.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

The bill revises the laws regarding consumer fireworks (formerly Class C common fireworks). Specifically, the bill requires that any person who wishes to sell such fireworks obtain a permit from the appropriate municipality.

The current laws regarding class B fireworks are not affected under this bill.

Adopted.

Rep. Burling moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Reps. Loren Jean and Fenton spoke against and yielded to questions.

Rep. Pantelakos spoke in favor.

On a standing division vote, 160 members having voted in the affirmative and 180 in the negative, the motion failed.

Report adopted and referred to Ways and Means.

GUEST ON THE ROSTRUM

Former Deputy Speaker Michael Hill, guest of the House.

REMARKS

Rep. O'Rourke moved that the remarks of Michael Hill be printed in the Journal.

Adopted.

It is such a pleasure to be here for the annual fireworks debate. Maybe I'll come back for the annual billboards debate. I just want to take a minute to thank all of you very much for putting up with me for three years as Deputy Speaker. It was a tremendous pleasure for me and a great educational experience. I want to thank the Speaker and the great leadership team, the democratic leadership team who I could always count on for help anytime I asked for it and any time I needed help. Also, particularly to the staff that when things look like they really work well usually it is because somebody on the staff does something right and it really makes other people look great. It was a great pleasure. I didn't want to leave without having a chance to say thank you and how much I appreciate having been a part of this body and maybe someday I'll come back. Thank you very much.

The Rules Committee offered the following:

HOUSE RESOLUTION NO. 50

amending the House Rules for the 1994 Session.

Amend Rule 29 (k) by deleting the phrase "domestic violence."

(k) It shall be the duty of the Committee on Judiciary to consider all matters relating to the judicial system, right-to-know law, divorce and custody, domestic violence, guardianships, life and death (such as abortion or assisted death), landlord/tenant rights, civil proceedings, tort law, forfeiture, victims' assistance, immunity, probate; and such other matters as may be referred to it.

Amend Rule 29 (e) by inserting the phrase "domestic violence."

(e) It shall be the duty of the Committee on Corrections and Criminal Justice to consider all matters relating to criminal justice, the Department of Corrections, sentencing, drug enforcement, bail, probation, parole, corrections, facilities, DWI; domestic violence, and such other matters as may be referred to it.

Amend Rule 43(b) by adding the following sentence:

If printing schedules prohibit such publication, the committee shall provide a minimum 24-hour notice by posting such sessions in the committee room and with the Clerk's office.

Amend Rule 44(a) by inserting the following after the last sentence:

The Committee, as its Interim Study final report, shall submit one of the following: 1) Recommended for Future Legislation; 2) Recommended, with Amendment, for Future Legislation; 3) Not Recommended for Future Legislation.

Amend Rule 50 by deleting the entire rule and inserting the following:

All committees must report all bills referred to them seven days prior to any deadline for the House to take action unless otherwise provided in Rule 67. Any bill not reported shall be placed on the Calendar by the Speaker with a report of No Recommendation and the reference to committee shall be revoked.

Amend Rule 67 by deleting the entire rule and replacing it with the following:

Legislative action in the second-year session shall be subject to the following deadlines:

- | | |
|----------------------------|--|
| Jan 5 (Weds) | - Last day to introduce all bills. |
| Feb 15 (Tues.) | - Last Day to act on re-referred bills from Appropriations. |
| Feb 17 (Thurs.) | - Last day to act on money/fee/licensing bills from policy committees. |
| Mar 17 (Thurs) - CROSSOVER | - Last day to act on all House bills except the budget adjustment act and revenue bills. |

- Apr 21 (Thurs) - Last day to act on money/fee/licensing bills Senate bills from policy committees.
- May 5 (Thurs) - CROSSOVER - Last day to act on all Senate non-money bills.
- May 12 (Thurs) - CROSSOVER - Last day to act on all money/fee/licensing Senate bills.
- May 17 (Tues) - Last day to concur with Senate amendments, request/accede to committees of conference except for the budget adjustment act and revenue measures.
- May 20 (Fri) - Last day to file conference reports except for the budget adjustment act and revenue measures.
- May 26 (Thurs) - Last day to act on conference reports except for the budget adjustment act and revenue measures.
- Rep. Cole moved that the amendments to House Rules be adopted and spoke in favor.
Reps. Trombly and Ann Torr spoke in favor.
Reps. Trombly and Crory yielded to questions.
Adopted.

REMARKS

Rep. Ann Torr moved that the remarks of Rep. Trombly be printed in the Journal.
Adopted.

Thank you Mr. Speaker and members of the House. I am rising in support of the rules changes. We did want something read into the record relative to the rules change of 43(b) in that it references informational work sessions. What we wish to have added to the record is the definition of those two types of work as they are contained in the Chairperson's handbook.

For the purposes of an informational session, that would be a public meeting for the purpose of educating interested parties on a particular issue. No official committee action is taken; no votes of any kind.

As to a work session: a work session is a public meeting at which committee members discuss a particular piece of legislation. No vote is taken and testimony is not taken, though specific questions may be directed to non-committee members at the discretion of the chairman.

Subcommittee work session: committee chairmen may elect to appoint subcommittees to continue work on a bill after the public hearing. It should be made clear to the subcommittee chairmen that all House rules that apply to committees also apply to subcommittees. Subcommittee appointments should be reported to the House Clerk and the first-named member shall serve as chairman of the subcommittee. Nothing that I read to you conflicts with what you have here, but I think most certainly those definitions do clarify what can and cannot be done; and since it also pertains to subcommittees we thought that it was very important.

REGULAR CALENDAR - PART II

HB 162-FN-L, returning all municipal ordinance fines to the municipality. REFER FOR INTERIM STUDY

Rep. Douglas E. Hall for Appropriations: It has been impossible to get an accurate estimate of the fiscal impact of this bill. The bill calls for returning to municipalities not the gross amount of fines, but the net after court expenses. The committee struggled with ways to simplify the administration of such a system by using a "standard" expense or percentage of fine to represent estimated expenses. Given the lack of hard data on either gross fines that might be collected or the court processing expenses associated with them, the committee felt it best to send this bill to interim study. The Administrative Office of the Courts has agreed to begin collecting needed financial data on January 1, 1994 and to have a six-month report available subsequently. The 1995 session of the legislature will, therefore, have more information and be better able to take responsible action on this proposal. Vote 19-1.

Adopted.

HB 491-FN-A-L, requiring that certain medicaid enhancement funds be used to augment the funding distributed under the Augenblick formula for state aid to education. INEXPEDIENT TO LEGISLATE

Rep. Stacey W. Cole for Appropriations: This bill called for funding the Augenblick formula from the medicaid enhancement fund. Those funds are no longer available for this purpose, having been authorized and appropriated in the current biennial budget. Vote 13-8.

Rep. Teague moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Frank Torr spoke against.

Rep. Douglas Hall spoke in favor and yielded to questions.

Rep. Cole spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 158 - NAYS 192

YEAS 158

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
McNamara, Wanda
Russell, Ronald

Burnham, Daniel
Lynch, Margaret
Richardson, Barbara
Young, David

DePecol, Benjamin
Manning, Joseph
Riley, William

Foster, Katherine
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Adams, Carl
Guest, Robert

Below, Clifton
Larson, Nils, Jr.

Copenhaver, Marion
McIlwaine, Deborah

Crory, Elizabeth
Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Buckley, Raymond
Crotty, Edward
Dwyer, Patricia
Gervais, Glen
Hanselman, Gregory
Kirby, Thomas
Martin, Mary Ellen
Morrissette, Roland
Peters, Stanley
Smith, Leonard
Tate, Joan

Ahlgren, Madelyn
Bergeron, Lucien
Cepaitis, Elizabeth
Daigle, Robert
Ferguson, Charles
Gosselin, Gerald
Holley, Sylvia
L'Heureux, Robert
Messier, Irene
Nardi, Theodora
Plourde, Alphonse
Soucy, Donna
Toomey, Kathryn

Allen, W. Gordon
Bergeron, Normand
Clemons, Jane
Drabinowicz, A. Theresa
Foster, Linda
Haettenschwiller, Alphonse
Jean, Claudette
Lachut, Ervin
Milligan, Robert
O'Rourke, Joanne
Reidy, Frank
Soucy, Richard
White, John

Asselin, Robert
Borsa, Andrew
Cote, David
Durham, Susan
Gage, Ruth
Hall, Betty
Johnson, Lionel
Laughlin, J. Francis
Moncrief, Keith
Perkins, Paul
Smart, John
Sullens, Joan

MERRIMACK

Braiterman, Thea
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Owen, Derek
Trombly, Rick
Willis, Jack

Carter, Susan
Fillion, Paul
Houlahan, Thomas
Mitchell, Vernon
Rogers, Katherine
Wallner, Mary Jane
Yeaton, Charles

Daneault, Gabriel
French, Barbara
Johnson, C. William
Moore, Carol
Stapleton, Henry
Ward, Jay

Dunn, Miriam
Gilbreth, Robert
Johnson, Joyce May
Newland, Matthew
Teague, Bert
Weeks, John, Jr.

ROCKINGHAM

Bell, Juanita
Caswell, Albert, Jr.
Dowd, Sandra
McGovern, Cynthia
Schanda, Joseph, Sr.
Williamson, William

Buco, Stephen
Clark, Martha
Hutchinson, Karen
Newman, Rick
Splaine, James

Campbell, Marilyn
Coes, Betsy
Kane, Cecelia
O'Keefe, Patricia
St. Martin, Tommy

Case, Margaret
Crossman, Harold, Jr.
Lovejoy, Marian
Rosencrantz, James
Stone, Joseph

STRAFFORD

Brown, George
Hambrick, Patricia
Kincaid, William
McGrath, J. Gregory
Rogers, Rose Marie
Vincent, Francis

Callaghan, Frank
Hashem, Elaine
Loder, Suzanne
Merrill, Amanda
Snyder, Clair
Wall, Janet

Chagnon, Ronald
Hemon, Roland
Lundborn, Raymond
Merritt, Deborah
Spear, Barbara
Wasson, Richard

Gilmore, Gary
Hilliard, Dana
McCann, William, Jr.
Pelletier, Arthur
Sullivan, Henry
Wheeler, Katherine

SULLIVAN

Allison, David
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon
Stamatakis, Carol

NAYS 192**BELKNAP**

Bartlett, Gordon
Holbrook, Robert
Rosen, Ralph

Cain, Thomas
Johnson, Carl
Smith, Linda

Campbell, Richard, Jr.
Laflam, Robert
Turner, Robert

Golden, Paul
Rice, Thomas, Jr.
Ziegra, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Metzger, Katherine
Smith, Edwin

Cole, Stacey
Pearson, Gertrude

Delano, Robert
Perry, David

Hunt, John
Royce, H. Charles

COOS

Foss, Frederic

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Bean, Pamela
Dow, David
Rose, William
Wadsworth, Karen

Brown, Alson
Gordon, Edward
Scanlan, David
Ward, Kathleen

Brown, Channing
Hill, Richard
Teschner, Douglass
White, Paul

Chase, Paul, Jr.
LaMott, Paul
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Chabot, Robert
Dodge, Emma
Dykstra, Leona
Healy, Daniel
Jasper, Shawn
Lefebvre, Roland
McRae, Karen
Morello, Michael

Amidon, Eleanor
Bowers, Dorothy
Cowenhoven, Garret
Domaingue, Jacquelyn
Fenton, James
Holden, Carol
Jean, Loren
Lown, Elizabeth
Mercer, Robert
Murphy, Robert

Andrews, Frederick
Burke, M. Virginia
Daniels, Gary
Drolet, Paul
Fields, Dennis
Holt, Mark
Kelley, Dana
Lozeau, Donnalee
Mittelman, David
Packard, Bonnie

Arnold, Barbara
Calawa, Leon, Jr.
Desrosiers, William
Dyer, Merton
Greenberg, Gary
Hunter, Bruce
Kelley, Robert
McCarty, Winston
Moore, Elizabeth
Paquette, Rodolphe

Pepino, Leo
Rothhaus, Finlay
Turgeon, Roland
Wells, Peter, Sr.

Record, Alice
Sallada, Roland
Upton, Barbara
Wheeler, Robert

Riley, Frances
Sargent, Maxwell
Vanderlosk, Stanley
Wright, George

Rodgers, G. Philip
Searles, Stanley, Sr.
Weergang, Alida

MERRIMACK

Barberia, Richard
Kennedy, Richard
Pfaff, Terence
Whittemore, James

Buessing, Marjorie
Kidder, William
Regan, Maurice

Chandler, Earle
Langer, Ray
Shaw, Randall

Chandler, John
Nichols, Avis
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Clark, Vivian
DiPietro, Carmela
Felch, Charles, Sr.
Flanders, John, Sr.
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
Noyes, Richard
Putnam, Ed, II
Senter, Marilyn
Sytek, Donna
Weyler, Kenneth

Arndt, Janet
Bove, Martin
Conroy, Janet
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Hurst, Sharleene
Klemarczyk, Thaddeus
MacDonald, Maurice
Packard, Sherman
Raynowska, Bernard
Skinner, Patricia
Sytek, John
Woods, Deborah

Beaulieu, Jon
Chester, Sherman
Cote, Charles
Drake, Herbert
Flanagan, Natalie
Gargiulo, Louis
Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Pratt, Katharin
Ritzo, Eugene
Smith, Arthur
Warburton, Calvin
Yennaco, Carol

Blake, Daniel
Christie, Andrew, Jr.
Cote, Patricia
Dube, LeRoy
Flanders, David
Gorman, Donald
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Pullman, Robert
Rubin, George
Stritch, C. Donald
Welch, David

STRAFFORD

Brown, Julie
McKinley, Robert
Torr, Ann

Douglass, Clyde
Musler, George
Torr, Franklin

Dunlap, Patricia
Nehring, William
Torr, Ralph

Knowles, William
Pageotte, Donald

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

Rodeschin, Beverly

and the motion failed.

Report adopted.

HB 616-FN-A-L, providing for property tax relief and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Appropriations: This bill would provide certain property tax relief with a state appropriation. At this time the costs of implementing the plan are hard to determine, and the question of no local involvement in determining eligibility of real estate tax rebates moves away from the "home rule" concept. The committee recommends Inexpedient to Legislate. Vote 12-9.

Adopted.

Rep. DePecol wished to be recorded in opposition to the Committee report.

SB 234-FN-A-L, relative to the return of revenue to cities and towns. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Appropriations: After a lengthy discussion on availability of funds and setting formulas for future promises, the committee voted Inexpedient to Legislate. Vote 12-4.

Adopted.

Rep. DePecol wished to be recorded in opposition to the Committee report.

HB 388, relative to disclosures by the seller of real property. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce, Small Business and Consumer Affairs: This bill requires sellers of property to disclose, in writing, information relative to insulation and any structural defects the seller has knowledge of prior to the execution of any purchase and sale of real estate, which includes a building. The committee, once it was assured that an equal burden of proof fell upon both buyer and seller, felt that this legislation had merit and insured that independent sellers and buyers were receiving pertinent information comparable to sales handled by real estate brokers. Vote 12-0.

Amendment (4021B)

Amend the bill by replacing all after the enacting clause with the following:

I Requirement Deleted. Amend RSA 477:4-c, II to read as follows:

II. If the information required under this section is unknown by the seller that fact shall be stated in writing [on the disclosure form].

2 New Section; Disclosure Required. Amend RSA 477 by inserting after section 4-c the following new section:

477:4-d Notification Required.

I. Prior to or during the preparation of an offer for the purchase and sale of any interest in real property to be used or proposed to be used for a one to 4 family dwelling, the seller shall disclose, in writing, the following information to the buyer. The buyer shall acknowledge receipt of the disclosure by signing a copy of the disclosure:

(a) Information relative to the type of private water supply system, its location, malfunctions, date of installation, date of most recent water test and whether or not the seller has experienced a problem such as an unsatisfactory water test or a water test with notations.

(b) Information relative to the private sewage disposal system including its location, malfunctions, the date it was most recently serviced and the name of the contractor who services the system.

(c) Information relative to the insulation, including type and location.

II. The fact that the information requiring disclosure regarding the private water supply system, private sewage disposal system, and insulation is not available shall also be conveyed, in writing, when such is the case.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the seller of a 1 to 4 family dwelling to disclose to the buyer information relative to type of water system, sewage system, and insulation used in such dwelling.

The bill also changes the manner of disclosure for information which sellers are required to disclose regarding water supply and sewage disposal systems.

Rep. Fuller yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 389, relative to information which need not be disclosed in the sale of property. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce, Small Business and Consumer Affairs: HB 389 makes it clear that no real estate agent or property owner may be held libel for failure to disclose to any buyer that property is or was inhabited by a person infected with human immunodeficiency virus, especially since such disclosure is prohibited under the Federal Fair Housing Act. In addition, the bill also protects an owner or real estate agent against failure to disclose that a property was the site of a homicide, other felony or a suicide. Nothing, however, prevents an owner and a buyer from negotiating contractual rights of disclosure concerning any of the above. The purpose of the bill is to prevent litigation against real estate agents regarding the aforementioned disclosure. Both the Committee and the subcommittee heard sufficient testimony to convince them of the need for such legislation. Vote 12-0.

Amendment (4024B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the disclosure of certain historical information
regarding property.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; History of Property. Amend RSA 477 by inserting after section 4-c the following new section:

477:4-d History of Property.

I. Any agent of a seller of real property shall be prohibited from disclosing that such real property is or was inhabited by a person infected with human immunodeficiency virus or diagnosed as having acquired immune deficiency syndrome without the written authorization of the owner in compliance with the Federal Fair Housing Act of 1988.

II. No cause of action shall arise against the owner of such real property, or any agent of such owner, for failure to disclose information to a buyer regarding that such real property was a site of a homicide, other felony, or a suicide.

III. Notwithstanding paragraphs I and II, the seller and buyer of real property shall be free to negotiate contractual rights of disclosure concerning the matters in RSA 477:4-d, I and II.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits agents of sellers of real estate from disclosing to prospective buyers that the property was occupied by a person infected with the human immunodeficiency virus. The bill also declares that no cause of action shall arise against an owner of real property for failure to disclose that the property was the site of a homicide, other felony, or a suicide.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDER

Rep. Mercer moved that **HB 394**, relative to discrimination in automobile insurance policies be made a special order for January 6.

Adopted.

REGULAR CALENDAR-PART II (Cont'd.)

HB 526, relative to insurance reimbursement for prescription goods and services by New Hampshire pharmacists. INEXPEDIENT TO LEGISLATE

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: The committee kept the bill in hope to convince Harvard Community Health to reimburse New Hampshire pharmacies other than their "preferred provider" (CVS). Over the summer the subcommittee had arrived at a solution by requiring HMOs to contract annually thereby allowing New Hampshire pharmacies to match CVS's and Harvard's ongoing contracted price. Unfortunately the full committee could not agree on whether the amendment went too far in getting involved in a contracted relationship or not far enough by not stating in the law the New Hampshire's pharmacies may charge the consumer more than the HMOs and the preferred provider's contracted amount. Vote 13-4.

Rep. Lozeau moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Reps. Crory, Hill and Bonnie Packard spoke against.

On a division vote, 94 members having voted in the affirmative and 241 in the negative, the motion failed.

Report adopted.

Rep. Case declared a conflict of interest and did not participate.

CACR 7, relating to establishing a statewide referendum procedure for the repeal of state statutes, providing that citizens of New Hampshire may directly repeal state statutory provisions by referendum. OUGHT TO PASS WITH AMENDMENT

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: The majority of the committee believes that CACR 7, as amended, is a good, moderate mechanism for giving the

people greater access to the political process. If the voters adopt this amendment, they will gain limited ability to repeal state statutes. Several other states already have a similar process in place and it has worked well for them. Vote 11-7.

Amendment (3805B)

Amend Article 2-a, II as inserted by paragraph III of the resolution by replacing it with the following:

II.(a) The referendum is the power of the electors to repeal statutes or parts of statutes. A referendum measure may be proposed by presenting a petition signed by electors equal in number to 10 percent of the votes for all candidates for governor at the preceding general election, asking that the statute or part of it be submitted to the electors. No more than 25 percent of all signatures collected shall be from any one executive council district.

(b) Each petition shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or registered, and a majority of the supervisors shall certify whether or not the signer is a legal voter in such town or ward.

(c) The certified petitions shall then be submitted to the secretary of state who shall have 40 days to verify the certified petition. The secretary of state shall submit the measure at the next general election held at least 100 days after the petition is presented to the secretary of state.

Adopted.

Reps. Hurst, and Warburton spoke in favor.

Reps. Donna Sytek, Willis and Holden spoke against.

Rep. Wright spoke against and yielded to questions.

Rep. Gorman spoke in favor and yielded to questions.

A roll call was taken, the question being the adoption of CACR 7.

YEAS 49 - NAYS 296

YEAS 49

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Burnham, Daniel
Young, David

Hunt, John

Richardson, Barbara

Riley, William

COOS

Mears, Edgar

GRAFTON

Rose, William

Teschner, Douglass

HILLSBOROUGH

Arnold, Thomas, Jr.
Burke, M. Virginia
Jean, Loren
Rothhaus, Finlay

Bagley, Amy
Daigle, Robert
Johnson, Lionel
Turgeon, Roland

Bergeron, Lucien
Domaingue, Jacquelyn
Pepino, Leo

Borsa, Andrew
Hall, Betty
Plourde, Alphonse

MERRIMACK

Houlahan, Thomas
Rogers, Katherine

Kennedy, Richard
Ward, Jay

Newland, Matthew

Owen, Derek

ROCKINGHAM

Beaulieu, Jon
Gorman, Donald

Dowling, Patricia
Hurst, Sharleene

Drake, Herbert
Katsakiores, George

Flanders, David
Katsakiores, Phyllis

Lee, Rebecca
Smith, Arthur

Packard, Sherman
St. Martin, Tommy

Rubin, George
Stritch, C. Donald

Schanda, Joseph, Sr.
Warburton, Calvin

STRAFFORD

Brown, George

Gilmore, Gary

Hemon, Roland

SULLIVAN

Cloutier, John

NAYS 296

BELKNAP

Bartlett, Gordon
Johnson, Carl
Smith, Linda

Campbell, Richard, Jr.
Lafam, Robert
Turner, Robert

Golden, Paul
Rice, Thomas, Jr.
Ziegra, Alice

Holbrook, Robert
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Delano, Robert
Manning, Joseph
Pearson, Gertrude
Russell, Ronald

Bonneau, Sarah
Foster, Katherine
McGuirk, Paul
Perry, David
Smith, Edwin

Cole, Stacey
Kingsbury, H. Thayer
McNamara, Wanda
Robertson, Timothy

DePecol, Benjamin
Lynch, Margaret
Metzger, Katherine
Royce, H. Charles

COOS

Bradley, Paula
Harwell, Tyler
Merrill, Gerald

Coulombe, Henry
Hawkinson, Marie
Pratt, Leighton

Foss, Frederic
Horton, Lynn

Guay, Lawrence
Mayhew, Josephine

GRAFTON

Adams, Carl
Brown, Channing
Dow, David
Larson, Nils, Jr.
Wadsworth, Karen

Bean, Pamela
Chase, Paul, Jr.
Gordon, Edward
Nordgren, Sharon
Ward, Kathleen

Below, Clifton
Copenhaver, Marion
Guest, Robert
Scanlan, David
White, Paul

Brown, Alson
Crory, Elizabeth
LaMott, Paul
Trelfa, Richard

HILLSBOROUGH

Ahern, Richard
Amidon, Eleanor
Bergeron, Normand
Chabot, Robert
Crotty, Edward
Drabinowicz, A. Theresa
Dyer, Merton
Fields, Dennis
Gosselin, Gerald
Healy, Daniel
Hunter, Bruce
Kelley, Robert
Laughlin, J. Francis
Martin, Mary Ellen
Messier, Irene

Ahlgren, Madelyn
Andrews, Frederick
Bowers, Dorothy
Clemmons, Jane
Daniels, Gary
Drolet, Paul
Dykstra, Leona
Foster, Linda
Greenberg, Gary
Holden, Carol
Jasper, Shawn
Kirby, Thomas
Lefebvre, Roland
McCarty, Winston
Milligan, Robert

Ahrens, Frederick
Arnold, Barbara
Buckley, Raymond
Cote, David
Desrosiers, William
Durham, Susan
Fenton, James
Gage, Ruth
Haettenschwiller, Alphonse
Holley, Sylvia
Jean, Claudette
L'Heureux, Robert
Lown, Elizabeth
McRae, Karen
Mittelman, David

Allen, W. Gordon
Asselin, Robert
Calawa, Leon, Jr.
Cowenhoven, Garret
Dodge, Emma
Dwyer, Patricia
Ferguson, Charles
Gervais, Glen
Hanselman, Gregory
Holt, Mark
Kelley, Dana
Lachut, Ervin
Lozeau, DonnaLee
Mercer, Robert
Moore, Elizabeth

Morello, Michael
O'Rourke, Joanne
Peters, Stanley
Rodgers, G. Philip
Smart, John
Tate, Joan
Weergang, Alida
Wright, George

Morrisette, Roland
Packard, Bonnie
Record, Alice
Sallada, Roland
Soucy, Donna
Toomey, Kathryn
Wells, Peter, Sr.

Murphy, Robert
Paquette, Rodolphe
Reidy, Frank
Sargent, Maxwell
Soucy, Richard
Upton, Barbara
Wheeler, Robert

Nardi, Theodora
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Sullens, Joan
Vanderlosk, Stanley
White, John

MERRIMACK

Barberia, Richard
Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Langer, Ray
Nichols, Avis
Stapleton, Henry
Weeks, John, Jr.
Yeaton, Charles

Braiterman, Thea
Chandler, John
Fillion, Paul
Johnson, C. William
Lockwood, Robert
Pfaff, Terence
Teague, Bert
Whalley, Michael

Buessing, Marjorie
Daneault, Gabriel
French, Barbara
Johnson, Joyce May
Mitchell, Vernon
Regan, Maurice
Trombly, Rick
Whittemore, James

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Kidder, William
Moore, Carol
Shaw, Randall
Wallner, Mary Jane
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Case, Margaret
Clark, Martha
Cote, Charles
Dowd, Sandra
Flanagan, Natalie
Hutchinson, Karen
Klemarczyk, Thaddeus
MacDonald, Maurice
Noyes, Richard
Putnam, Ed, II
Senter, Marilyn
Syracusa, Anthony
Weyler, Kenneth

Arndt, Janet
Bove, Martin
Caswell, Albert, Jr.
Clark, Vivian
Cote, Patricia
Dube, LeRoy
Flanders, John, Sr.
Johnson, Bill
Klemm, Arthur, Jr.
Malcolm, Kenneth
O'Keefe, Patricia
Raynowska, Bernard
Skinner, Patricia
Sytek, Donna
Williamson, William

Bell, Juanita
Buco, Stephen
Chester, Sherman
Coes, Betsy
Crossman, Harold, Jr.
Felch, Charles, Sr.
Gargiulo, Louis
Johnson, Robert
Kruse, Fred
McGovern, Cynthia
Pantelakos, Laura
Riizo, Eugene
Splaine, James
Sytek, John
Woods, Deborah

Blake, Daniel
Campbell, Marilyn
Christie, Andrew, Jr.
Conroy, Janet
DiPietro, Carmela
Fesh, Robert
Hemenway, Thomas
Kane, Cecelia
Lovejoy, Marian
McKinney, Betsy
Pratt, Katharin
Rosencrantz, James
Stone, Joseph
Welch, David
Yennaco, Carol

STRAFFORD

Brown, Julie
Hambrick, Patricia
Knowles, William
McGrath, J. Gregory
Musler, George
Rogers, Rose Marie
Torr, Ann
Wasson, Richard

Chagnon, Ronald
Hashem, Elaine
Loder, Suzanne
McKinley, Robert
Pageotte, Donald
Snyder, Clair
Torr, Franklin
Wheeler, Katherine

Douglass, Clyde
Hilliard, Dana
Lundborn, Raymond
Merrill, Amanda
Pelletier, Arthur
Spear, Barbara
Vincent, Francis

Dunlap, Patricia
Kincaid, William
McCann, William, Jr.
Merritt, Deborah
Pelletier, Marsha
Sullivan, Henry
Wall, Janet

SULLIVAN

Allison, David
Flint, Gordon
Palmer, Lorraine
Stamatakis, Carol

Behrens, Thomas
Holl, Ann
Peyron, Fredrik

Burling, Peter
Kane, Joan
Rodeschin, Beverly

Domini, Irene
Lindblade, Eric
Schotanus, Merle

and lacking three-fifths of the elected and qualified members, CACR 7 failed.
Rep. Donna Sytek moved that CACR 7 be Inexpedient to Legislate.
Adopted.

CACR 11, relating to summary incarceration in criminal contempt cases. Providing that criminal contempt defendants shall be specifically included in Part I, Article 15 of the New Hampshire constitution. **INEXPEDIENT TO LEGISLATE**

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: The majority of the committee believes that there is not enough need for this bill at this time. The legal community is presently working to resolve issues regarding contempt cases in house. Vote 16-2.

Adopted.

CACR 12, relating to citizen-proposed legislation, constitutional amendments and statutory provisions. Providing that citizens of New Hampshire may directly propose legislation and constitutional amendments by initiative petition, and approve or reject statutory provisions by referendum. **REFER TO INTERIM STUDY**

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: The majority of the committee believes that there is strong merit in this legislation but the bill needs further study. The committee is recommending Interim Study to resolve problems with this bill. Vote 14-4.

Adopted.

HB 404, relative to reporting requirements for political committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: The majority of the committee believes this bill, as amended, resolves a serious problem regarding coerced political contributions. The subcommittee worked in cooperation with the Attorney General's Office in presenting this legislation. Vote 17-1.

Amendment (2734B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the prohibited coercion of employees to make political contributions .

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Business Organization Defined. Amend RSA 664:2 by inserting after paragraph XI the following new paragraph:

XII. "Business organization" means any enterprise, whether corporation, partnership, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, and includes any enterprise which is expressly made exempt from income taxation under the United States Internal Revenue Code of 1986. It does not include a political committee as defined in RSA 664:2, III, or the political committee of a political party, as defined in RSA 664:2, V.

2 Prohibited Political Contributions by Business Organizations. Amend RSA 664:4, I to read as follows:

I. By any [corporation] *business organization*, or by any officer, director, executive, agent or employee acting in behalf of [such corporation] *the business organization*, or by any [organization] *enterprise* representing or affiliated with one or more [corporations] *business organizations* or by any officer, director, executive, agent or employee acting in behalf of [such] *the business organization*.

3 Coercion of Political Contributions. Amend RSA 664:4-a to read as follows:

664:4-a Prohibited Coercion of Political Contributions.

I. No person shall knowingly coerce, or attempt to coerce, any classified state employee to [make] *give or withhold* a contribution to any political campaign or political committee, or to any candidate, party or cause, for the purpose of promoting the success or defeat of any candidate or political party.

II. *No business organization, and no officer, director, executive, agent or employee acting in behalf of the business organization, and no enterprise representing or affiliated with one or more business organizations, and no officer, director, executive, agent or employee acting in behalf of such enterprise, shall knowingly coerce, or attempt to coerce, any employee of the business organization or of the enterprise, or any contractor or subcontractor or any employee of the contractor or subcontractor doing business with the business organization, to make a contribution to any political campaign or political committee, or to any*

candidate, party or cause, for the purpose of promoting the success or defeat of any candidate or political party:

(a) *By means of the denial or deprivation, or the threat of the denial or deprivation, of any employment, position, or work in or for the business organization or enterprise.*

(b) *By means of the denial or deprivation, or threat of the denial or deprivation, of the loss of any compensation, payment, or benefit from such employment, position, or work.*

(c) *By means of the discharge, promotion, degradation, or change in any manner in the official rank or compensation of any employee, or by means of the promise or threat to do so, for giving or withholding a contribution.*

4 Political Advertising by Business Organization. Amend RSA 664:14, II to read as follows:

II. Political advertising to promote the success or defeat of a measure by a [partnership, corporation] *business organization*, labor union, or other *enterprise or* organization shall be signed. The name of [such] *the enterprise or* organization shall be indicated and the chairman or treasurer of [such] *the enterprise or* organization shall sign his name and address. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

5 Reference Changed from Corporation to Business Organization. Amend RSA 664:15 to read as follows:

664:15 Approval of Candidate or Fiscal Agent. A person or [corporation] *business organization* publishing a newspaper or periodical or selling billboard space or operating a radio or television station or public address system shall not publish, print or broadcast any political advertising by or in behalf of a candidate in an election unless the same shall be signed by or authorized in writing by the candidate or his fiscal agent.

6 Reference Changed from Corporation to Business Organization. Amend RSA 664:16 to read as follows:

664:16 Identification of Political Advertising. Political advertising printed in newspapers, periodicals or billboards shall be marked at the beginning thereof "Political Advertising." Persons or [corporations] *business organizations* operating a radio or television station or public address system shall broadcast political advertising only after announcing it as such. Rates for advertising shall be filed, no later than 30 days prior to the deadline for filing for office for an election, with the secretary of state by each person or [corporation] *business organization* publishing a newspaper or periodical, operating a radio or television station, or selling billboard space. Such schedule shall be open to public inspection, and such schedules may be amended. However, rates in such amendments shall not take effect until 5 days after they are filed with the secretary of state. No person or [corporation] *business organization* publishing a newspaper or periodical, operating a radio or television station, or selling billboard space shall charge an advertising rate to any candidate, political committee, party or cause that is different from that charged to any other candidate, political committee, party or cause.

7 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits a business organization from coercing or attempting to coerce one of its employees or any contractor or subcontractor or an employee thereof doing business with the business organization, to make a contribution to any political campaign, political committee, candidate, party, or cause.

The bill also adds the new definition of "business organization" to RSA 664. The term business organization replaces the use of the terms corporation and partnership relative to prohibited political contributions. Corporations and partnerships are now included in the broader definition of a business organization.

Adopted.

Report adopted and ordered to third reading.

HB 411-FN-L, relative to the hours of polling in cities and towns. **OUGHT TO PASS WITH AMENDMENT**

Rep. C. Donald Stritch for Constitutional and Statutory Revision: This bill directs the Secretary of State to place on certain 1994 state general election ballots the question of whether polls shall be open not later than 8:00 in the morning for state elections. The question is to be submitted only to those voters in cities and towns where polls open later than 8:00 a.m. If passed, the new hours of polling will take effect in the 1996 state elections. Vote 14-2.

Amendment (3628B)

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose. The New Hampshire legislature hereby finds that it is desirable to encourage voter participation in state elections throughout the state. The New Hampshire legislature further finds that in order to encourage such voter participation, it is desirable to have all polling places throughout the state open no later than 8 o'clock in the morning.

2 Vote to Determine Hours of Polling in Certain Cities and Towns.

I. The secretary of state shall place the question in paragraph II on certain 1994 state general election ballots. The question shall only be submitted to voters in cities and towns where, at the 1992 state elections, the polls opened later than 8 o'clock in the morning. The question shall be printed on the 1994 state general election ballot beneath the office and party columns in the form provided in RSA 656:13. The vote on the question to the voters in these cities and towns shall be counted and returns made in the same manner as that provided in RSA 659.

II. The wording of the question on the 1994 state general election ballot for the adoption of polling hours which are different from those provided in RSA 659:4 shall be as follows:

"Shall we adopt polling hours in (here insert the name of the city or town) at all state elections beginning with the 1996 state primary election under which the polls shall open not later than 8 o'clock in the morning?"

III. Upon approval of the question, the new hours of polling shall be deemed to have been adopted and shall first take effect for the 1996 state elections.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill directs the secretary of state to place the question of whether at state elections the polls shall open not later than 8 o'clock in the morning on certain 1994 state general election ballots. The question is to be submitted only to those voters in cities and towns where the polls at the 1992 state elections opened later than 8 o'clock. The new hours of polling shall take effect for the 1996 state elections upon their adoption in the city or town.

Adopted.

Report adopted and ordered to third reading.

HB 449, relative to listing candidates on general election ballots. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: The majority of the committee believes that this bill, as amended, is not a partisan bill. It is designed to remedy a problem that causes recounts and confusion at the polling places. This ballot is already in use by the majority of the citizens of this state. Vote 11-7.

Rep. Flanagan moved Recommit to Committee.

Adopted.

SPECIAL ORDER

Rep. Flanagan moved that **HB 497**, allowing towns and school districts to use the official ballot for any issue before the voters, be made a special order for 10:00 a.m. January 6.

Adopted.

REGULAR CALENDAR-PART II (Cont'd.)**HB 520**, eliminating straight ticket voting on the ballot. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E. Arnold for Constitutional and Statutory Revision: This bill would deprive the voters of the right to vote a straight ticket, a right which they have historically enjoyed.

The committee was unwilling to restrict the voter's choice in order to correct minor problems which can be more easily corrected by better directions, education, and training of voters and poll workers. Vote 10-8.

Rep. Gilmore moved that the words Ought to Pass be substituted for the Report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Donna Sytek spoke against.

Rep. Trombly spoke in favor and yielded to questions.

Rep. Jasper spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 141 - NAYS 199

YEAS 141

BELKNAP

Campbell, Richard, Jr. Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Foster, Katherine
Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Richardson, Barbara	Robertson, Timothy	Russell, Ronald
Young, David			

COOS

Bradley, Paula	Coulombe, Henry	Harwell, Tyler	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Adams, Carl	Below, Clifton	Copenhaver, Marion	Gordon, Edward
LaMott, Paul	Nordgren, Sharon	White, Paul	

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Asselin, Robert
Bagley, Amy	Bergeron, Lucien	Bergeron, Normand	Borsa, Andrew
Buckley, Raymond	Chabot, Robert	Clemons, Jane	Cote, David
Crotty, Edward	Daigle, Robert	Domaigne, Jacquelyn	Drabinowicz, A. Theresa
Dwyer, Patricia	Foster, Linda	Gage, Ruth	Gervais, Glen
Gosselin, Gerald	Greenberg, Gary	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Jean, Claudette	Johnson, Lionel	Kirby, Thomas
Laughlin, J. Francis	Lefebvre, Roland	Lozeau, Donnalee	Martin, Mary Ellen
Messier, Irene	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Rourke, Joanne	Plourde, Alphonse	Reidy, Frank	Rothhaus, Finlay
Smart, John	Soucy, Donna	Soucy, Richard	Toomey, Kathryn
Turgeon, Roland	White, John		

MERRIMACK

Braiterman, Thea	Daneault, Gabriel	Dunn, Miriam	French, Barbara
Gilbreth, Robert	Johnson, Joyce May	Moore, Carol	Newland, Matthew
Owen, Derek	Regan, Maurice	Rogers, Katherine	Trombly, Rick
Wallner, Mary Jane	Ward, Jay	Weeks, John, Jr.	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Bell, Juanita	Caswell, Albert, Jr.	Christie, Andrew, Jr.	Clark, Martha
Coes, Betsy	Gorman, Donald	Kane, Cecelia	Lee, Rebecca

Lovejoy, Marian
Pantelakos, Laura
St. Martin, Tommy

McGovern, Cynthia
Rosencrantz, James
Syracusa, Anthony

Newman, Rick
Schanda, Joseph, Sr.
Warburton, Calvin

O'Keefe, Patricia
Splaine, James

STRAFFORD

Brown, George
Hambrick, Patricia
Knowles, William
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

Brown, Julie
Hashem, Elaine
Loder, Suzanne
Merrill, Amanda
Pelletier, Marsha
Vincent, Francis

Chagnon, Ronald
Hemon, Roland
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose Marie
Wall, Janet

Gilmore, Gary
Hilliard, Dana
McCann, William, Jr.
Pageotte, Donald
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

NAYS 199

BELKNAP

Bartlett, Gordon
Laflam, Robert
Turner, Robert

Golden, Paul
Rice, Thomas, Jr.
Ziegler, Alice

Holbrook, Robert
Rosen, Ralph

Johnson, Carl
Smith, Linda

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Metzger, Katherine
Smith, Edwin

Cole, Stacey
Pearson, Gertrude

Delano, Robert
Perry, David

McNamara, Wanda
Royce, H. Charles

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Bean, Pamela
Dow, David
Teschner, Douglass

Brown, Alson
Larson, Nils, Jr.
Trelfa, Richard

Brown, Channing
Rose, William
Wadsworth, Karen

Chase, Paul, Jr.
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Dodge, Emma
Dykstra, Leona
Healy, Daniel
Hunter, Bruce
Kelley, Robert
McCarty, Winston
Mittelman, David
Pepino, Leo
Rodgers, G. Philip
Sullens, Joan
Weergang, Alida

Amidon, Eleanor
Bowers, Dorothy
Cowenhoven, Garret
Drolet, Paul
Fenton, James
Holden, Carol
Jasper, Shawn
L'Heureux, Robert
McRae, Karen
Moore, Elizabeth
Perkins, Paul
Sallada, Roland
Tate, Joan
Wells, Peter, Sr.

Andrews, Frederick
Burke, M. Virginia
Daniels, Gary
Durham, Susan
Ferguson, Charles
Holley, Sylvia
Jean, Loren
Lachut, Ervin
Mercer, Robert
Morello, Michael
Peters, Stanley
Sargent, Maxwell
Upton, Barbara
Wheeler, Robert

Arnold, Barbara
Calawa, Leon, Jr.
Desrosiers, William
Dyer, Merton
Fields, Dennis
Holt, Mark
Kelley, Dana
Lown, Elizabeth
Milligan, Robert
Packard, Bonnie
Riley, Frances
Searles, Stanley, Sr.
Vanderlosk, Stanley
Wright, George

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Carter, Susan	Chandler, Earle
Chandler, John	Feuerstein, Martin	Fillion, Paul	Hall, Douglas
Houlahan, Thomas	Johnson, C. William	Kennedy, Richard	Kidder, William
Langer, Ray	Lockwood, Robert	Mitchell, Vernon	Nichols, Avis
Shaw, Randall	Stapleton, Henry	Teague, Bert	Whalley, Michael
Willis, Jack			

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Blake, Daniel
Boucher, William	Bove, Martin	Buco, Stephen	Campbell, Marilyn
Case, Margaret	Chester, Sherman	Clark, Vivian	Conroy, Janet
Cote, Charles	Cote, Patricia	Crossman, Harold, Jr.	DiPietro, Carmela
Dowd, Sandra	Dowling, Patricia	Drake, Herbert	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Hemenway, Thomas	Hurst, Sharleene
Hutchinson, Karen	Johnson, Bill	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred
MacDonald, Maurice	Malcolm, Kenneth	McKinney, Betsy	Noyes, Richard
Packard, Sherman	Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard
Ritzo, Eugene	Rubin, George	Senter, Marilyn	Skinner, Patricia
Smith, Arthur	Stone, Joseph	Stritch, C. Donald	Sytek, Donna
Sytek, John	Welch, David	Weyler, Kenneth	Williamson, William
Woods, Deborah	Yennaco, Carol		

STRAFFORD

Douglass, Clyde	Dunlap, Patricia	Kincaid, William	McKinley, Robert
Spear, Barbara	Torr, Ann	Torr, Franklin	Wasson, Richard

SULLIVAN

Behrens, Thomas	Domini, Irene	Flint, Gordon	Lindblade, Eric
Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle	

and the motion failed.

Report adopted.

HB 632, relative to filing requirements for candidates running for the office of state representative. **INEXPEDIENT TO LEGISLATE**

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The committee felt that this bill would create an unnecessary hardship for potential candidates when they were deciding to run for office. Vote 16-2.

Adopted.

HB 308, establishing a committee to study the viability of SAUs, and whether a school district should vote on whether to belong to an SAU. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: This measure establishes a legislative study committee charged with specific criteria dealing with an option for a school district to vote whether to belong to an SAU and to look at the ramifications of a school district operating without being a part of an SAU. Vote 16-1.

Amendment (4037B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is hereby established a committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU (school administrative unit).

2 Membership. The committee shall consist of the following members:

I.(a) Four members of the house of representatives, appointed by the speaker of the house.

(b) Four members of the senate, appointed by the senate president.

II. In making their appointments, the speaker of the house and the senate president shall seek to have representation of an urban school district, a multi-district SAU, and a rural SAU.

3 Duties. The committee shall:

I. Consider the educational opportunities offered by school administrative units and allowing school districts the opportunity to vote on whether to belong to an SAU, with consideration of the ramifications of withdrawal by a district, as well as greater flexibility and decentralization of educational services.

II. Meet with all those concerned with the SAU structure including the commissioner of education, the chairperson of the state board of education, superintendents from urban, multi-district and rural SAUs, representatives from New Hampshire Principals Association and the New Hampshire School Administrators Association, public school teachers, and parents.

4 Appointments; Mileage. Appointments of all members of the committee shall be made within 30 days of the effective date of this act. Members shall receive compensation for mileage at the usual legislative rate.

5 Officers; Meetings. The first meeting of this committee shall be called between 60 and 90 days after the effective date of this act by the first member of the house of representatives appointed. At the first committee meeting, the members shall choose a chairperson by majority vote from among the membership. After the first meeting, all committee meetings shall be called by the chairperson. Meeting dates and places shall be set at the discretion of the committee.

6 Report. The committee shall prepare a report describing its determinations and recommendations, including the necessary statutory language for the implementation of this option. Copies of this report shall be delivered to the governor, the speaker of the house of representatives, and the senate president on or before November 1, 1994. Secretarial and staff assistance shall be provided by the house of representatives.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU.

Adopted.

Report adopted and ordered to third reading.

HB 599-FN-L, allowing school districts to contract with selected secular schools for the education of the district's children, and granting school districts an option to implement an education voucher program. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Carter for Education: After a complete review of all choice in education options available throughout the country, it was decided that at this time the charter school concept, which expands the idea of public school choice with schools designed and operated by teachers and parents, under contract with the local school boards, holds the greatest potential for New Hampshire. Therefore, HB 599, as amended, establishes a committee to study the development and implementation of charter schools. The bill also provides for making available to local school boards information as to what school boards can currently do to provide more choice options. The report of the study committee will contain information as to ways to increase student options, to free teachers and schools from unnecessary regulations, and to introduce greater accountability in the public school systems. Vote 17-1.

Amendment (4082B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose; Intent. Improvement and accountability in education are of primary concern to all citizens of New Hampshire. A full understanding of the options currently available to school districts and a study of possible expansions of those options is necessary to foster innovation in the public school programs of the state. In addition, such understanding and study shall serve to determine ways in which to increase student options, free teachers and schools from unnecessary regulation, and introduce greater accountability of the public school systems. The charter school concept expands the idea of public school choice, but does not require a voucher component for implementation. The option addressed in this study is the charter school, designed and operated by teachers and parents under contract with local school boards.

2 Committee Established. There is established a committee to study the development and implementation of charter schools. The committee shall consist of the following members:

I. Three members of the senate, one of whom shall be the chairperson of the education committee or designee, one of whom shall be a member of the education committee, and one of whom shall be a member of the appropriations committee, all of whom shall be appointed by the senate president.

II. Three members of the house of representatives, one of whom shall be the chairperson of the education committee or designee, one of whom shall be a member of the education committee, and one of whom shall be a member of the appropriations committee, all of whom shall be appointed by the speaker of the house.

III. The governor or designee.

IV. The commissioner of education or designee.

V. One representative of the New Hampshire School Boards Association, appointed by that association.

VI. One representative of the New Hampshire School Administrators Association, appointed by that association.

VII. One representative of the New Hampshire Association of School Principals, appointed by that association.

VIII. One representative of the New Hampshire chapter of the National Education Association, appointed by that association.

IX. One representative of the American Federation of Teachers, appointed by that association.

X. One representative of the state board of education, appointed by that board.

XI. Three parents of children currently enrolled in New Hampshire public schools, one of whom has a child enrolled in a single district SAU and one of whom has a child enrolled in a multi-district SAU, all appointed by the governor.

XII. One elementary public school teacher, appointed by the commissioner of education.

XIII. One secondary public school teacher, appointed by the commissioner of education.

XIV. One representative of the department of education, college of liberal arts, university system of New Hampshire, appointed by the chancellor.

3 Duties. The duties of the committee shall include, but not be limited to:

I. Studying the various charter school programs which have been implemented throughout the country.

II. Determining:

(a) The process for establishing a charter program;

(b) The authorization mechanism for charter schools;

(c) The accountability mechanism for charter schools in relationship to local school boards and state regulations;

(d) The process for developing performance standards as the basis of evaluation if state regulations are waived;

(e) The potential participants in such a program;

(f) The governing structure of a charter school in terms of its relationship to the local school board;

- (g) Admission requirements and criteria;
- (h) Financial considerations; and,
- (i) A revocation mechanism.

III. Enabling the development of a pilot program (one urban and one rural) upon satisfactory review and approval of the report by the senate and house education committees.

4 Meetings; Compensation.

I. The first-appointed house member shall call the first meeting prior to July 1, 1994.

II. The committee members shall choose a chairperson from among their membership.

III. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The department of education shall provide administrative services as requested by the committee.

5 Report. The committee shall make a report which shall enable the development and implementation of a charter school program, as well as provide for the creation of a pilot charter school program. The committee shall submit its report, including any recommendations for appropriate legislation, to the governor, the senate president, and the speaker of the house on or before November 1, 1994.

6 New Section; Change of School Assignment; Duties of Board of Education. Amend RSA 193 by inserting after section 14 the following new section:

193:14-a Change of School Assignment; Duties of Board of Education. The state board of education in conjunction with the department of education shall make available to local school boards information regarding the responsibilities of the local boards when parents request a change in school assignment. Such information shall include an explanation of local board's authority and responsibilities, as well as the rights and responsibilities of parents seeking a change of assignment as set forth in RSA 193:3, 193:14 and applicable rules adopted under RSA 541-A.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the development and implementation of charter schools.

The bill also requires the board of education to make certain information available to local school boards regarding a change in school assignment.

Rep. Carter yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 134, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and relative to changing the terms "inspector" and "sealer" to "enforcement officer" and repealing the law governing the sale of wood. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leighton C. Pratt for Environment and Agriculture: This bill allows firewood to be sold in quantities other than a cord or fraction thereof. The bill also requires the Commissioner of Agriculture to license commercial measuring devices and clarifies penalty provisions and rulemaking authority. Vote 13-0.

Amendment (3521B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to penalties, definitions, licenses, permits, registrations,
and rulemaking under the weights and measures laws and
repealing the law governing the sale of wood.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Adding Definition of Commercial Use. Amend RSA 438:1 by inserting after paragraph XI the following new paragraph:

XII. "Commercial use" means weights and measures used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, commodities, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight, measure, or count. Devices used in a determination upon which a charge or service is based include, but are not limited to, taxi meters, odometers, timing devices, and shipping scales. "Commercial use" does not include the determination of the weight, measure, or count of any commodity or thing which is performed within a plant or business as a part of the manufacturing, processing, or preparing for market of that commodity or thing.

2 Definition of Cord. Amend RSA 438:3 to read as follows:

438:3 Definitions of Special Units of Measure. The term "barrel" when used in connection with fermented liquor shall mean a unit of 31 gallons. The term "ton" shall mean a unit of 2,000 pounds avoirdupois weight. The term "cord" when used in connection with wood intended for fuel purposes shall mean the amount of wood that is contained in a space of 128 cubic feet when the wood is ranked and well stowed, *as defined in the National Institute of Standards and Technology Handbook 130 as revised and amended.*

3 Licensing Measuring Devices. Amend RSA 438:7, VI to read as follows:

VI. The commissioner shall license annually all devices used commercially *to provide services on the basis of weight, measure, or count* or to establish size, quantity, extent, area or measurement of commodities or articles sold or offered or exposed for sale.

4 New Paragraph; Expiration of Licenses, Permits, and Registrations. Amend RSA 438:7 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner shall designate the registration and expiration dates for all licenses, permits, and registrations issued under this chapter.

5 Rulemaking Authority. The section heading and introductory paragraph of RSA 438:8 and RSA 438:8, I and II are repealed and reenacted to read as follows:

438:8 Rulemaking Authority.

I. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) Standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form.

(b) Technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by inspectors of weights and measures in the discharge of their official duties.

(c) Exemptions from the inspection requirements of RSA 438:14 with respect to weights and measures of such character or size that such inspection would be inappropriate, impracticable, or damaging, to the apparatus in question.

(d) Compulsory registration of servicemen and service agencies.

(e) Licensing of, and the technical and reporting procedures to be followed by, public weighmasters.

(f) Licensing of weighing and measuring devices used commercially.

(g) Specifications, tolerances, and other technical requirements for weights and measures of the character of those specified in RSA 438:10, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those:

(1) That are not accurate.

(2) That are not reasonably permanent in their adjustment or will not repeat their indications correctly.

(3) That facilitate the perpetration of fraud.

(h) The establishment and collection of fees for:

(1) Testing and certification.

(2) Licenses, including application, initial issuance, replacement and duplication.

(3) Examinations.

(i) The imposition of fines and penalties under RSA 438:40.

(j) Any other matter necessary to the proper administration of this chapter.

II. The commissioner may also adopt, as part of the rules, the definitions and descriptive regulations published by the National Conference on Weights and Measures and amendments,

supplements and revisions to such regulations. Rules under this paragraph need not be adopted in accordance with RSA 541-A, but when adopted, shall be filed with the director of legislative services.

6 Concurrent Jurisdiction. RSA 438:18 is repealed and reenacted to read as follows:

438:18 Concurrent Jurisdiction. The commissioner shall have concurrent authority to enforce the provisions of this chapter, in cities for which sealers of weights and measures have been appointed as provided in this chapter. City sealers shall investigate and prosecute within the jurisdiction of the city, unless the investigation or prosecution in the jurisdiction over a particular case or class of cases is preempted by the state bureau of weights and measures, county attorney or attorney general. City sealers, upon request of the bureau of weights and measures, county attorney, or attorney general, may assist and conduct investigations throughout the state.

7 Offenses and Penalties. RSA 438:40 is repealed and reenacted to read as follows:

438:40 Offenses and Penalties.

I. It shall be unlawful for any person to:

(a) Use or have in possession for the purpose of using for any commercial purpose specified in RSA 438:10, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect weight or measure or any device or instrument used to or calculated to falsify any weight or measure.

(b) Use or have in possession for the purpose of current use for any commercial purpose specified in RSA 438:10, a weight or measure that does not bear a seal or mark such as is specified in RSA 438:14, unless such weight or measure has been exempted from testing by the provisions of RSA 438:10 or by a rule of the commissioner adopted under the authority of RSA 438:8 or unless the device has been replaced in service as provided by a rule of the commissioner adopted under the authority of RSA 438:8.

(c) Dispose of any rejected or condemned weight or measure in a manner contrary to law or rule.

(d) Remove from any weight or measure, contrary to law or rule, any tag, seal, or mark placed thereon by the appropriate authority.

(e) Sell, or offer or expose for sale, less than the quantity represented of any commodity, thing, or service.

(f) Take more than the quantity he represents of any commodity, thing, or service, when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.

(g) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell any commodity, thing, or service in a condition or manner contrary to law or rule.

(h) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

(i) Use commercially any device which has not been licensed in accordance with RSA 438:7, VI.

(j) Violate any provision of RSA 438 or of the rules adopted under the provisions of RSA 438.

II. Any person who, by himself or by his servant or agent, recklessly performs any act prohibited, other than by rule, under this chapter shall be guilty of a misdemeanor. Any individual, acting as the servant or agent of another person, who knowingly performs any act prohibited, other than by rule, under this chapter shall be guilty of a misdemeanor. A subsequent violation of this chapter perpetrated by anyone other than a natural person shall be a felony.

III. Any person who, by himself or by his servant or agent, or as the servant or agent of another person violates any rule adopted under RSA 438:8 shall be guilty of a violation.

IV. In addition to any other penalty imposed under this chapter, any person who violates any provision of RSA 438, or any rule or order of the commissioner, may be subject to the imposition of an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

- 8 Repeal. RSA 438:35, relative to the sale of fuel wood and wood by-products, is repealed.
 9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the commissioner of agriculture to license annually all devices used commercially to provide services on the basis of weight, measure, or count to establish size, quantity, extent, area or measurement of commodities or articles sold or offered or exposed for sale.

The bill requires the commissioner to establish registration and expiration dates for all licenses, permits, and registrations issued under the weights and measures laws.

The bill repeals the law governing the sale of fuel wood and wood by-products.

This bill clarifies the penalty provisions, concurrent jurisdiction, and rulemaking authority of the commissioner under the weights and measures laws.

Adopted.

Report adopted and ordered to third reading.

Rep. Scanlan declared a conflict of interest and did not participate.

HB 195-FN, relative to the sale of cider. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Scanlan for Environment and Agriculture: House Bill 195 give the Commissioner of Agriculture the authority to implement rules pursuant to RSA 541-A relative to the sale of cider. Vote 16-0.

Amendment (3519B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Cider. Amend RSA 434 by inserting after section 40 the following new subdivision:

Cider

434:40-a Definitions. In this subdivision:

I. "Cider" means the unfermented juice of apples.

II. "Commissioner" means the commissioner of the department of agriculture.

III. "Person" means any individual, firm, company, partnership, corporation, association, cooperative, business trust, or legal entity of any kind.

434:40-b Manufacture and Sale. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the manufacture, blending, labeling, and sale of cider in New Hampshire. Such rules shall be designed to ensure the following:

I. That any cider which is claimed or implied to have been produced in New Hampshire is in fact produced in New Hampshire.

II. That the term "cider" have a specific commercial definition in New Hampshire, and that the term's commercial use in New Hampshire be restricted to the sale of products which fall under that definition.

III. That all other terms used in the labeling and sale of cider and cider blends in New Hampshire be consistent and clear.

IV. That any container of cider sold in New Hampshire bears a label which clearly identifies its producer, and which conspicuously and accurately describes its contents.

434:40-c Prohibitions. It shall be unlawful in New Hampshire to manufacture, sell, or distribute cider or any product called "cider" by any means that violate any of the provisions of this subdivision, or any of the rules adopted under this subdivision.

434:40-d Administrative Authority; Inspectors; Rulemaking. The commissioner shall have general authority to administer and enforce the provisions of this subdivision and may adopt rules pursuant to RSA 541-A as are necessary to carry out the purposes of this subdivision. The commissioner or duly authorized agent shall have free access at all reasonable hours to any place, building or vehicle in which apple cider is manufactured, sold, offered, or exposed for sale or exchanged or distributed at retail or wholesale. The commissioner or duly authorized agent shall have authority to open any package or container, and may upon tendering the market price take such container and its contents or sample from the package or container.

434:40-e Stop Sale, Use or Removal Orders. When the commissioner or duly authorized agent has reasonable cause to believe cider is being distributed in violation of any of the

provisions of this subdivision, or any of the rules adopted under this subdivision, the commissioner or duly authorized agent may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of any such cider. The cider shall not be sold, used or removed until the provisions of this subdivision have been complied with and the cider has been released by the commissioner or duly authorized agent or the violation has been otherwise disposed of as provided in this subdivision by a court of competent jurisdiction.

434:40-f Hearings. When the commissioner learns of any violation of any provision of this subdivision, notice of such violation, together with a copy of the findings, shall be given to the person or persons concerned. Persons so notified shall be afforded a hearing under rules adopted by the commissioner. Affidavits under oath may be received by the commissioner.

434:40-g Penalties.

I. Any person who violates any provision of this subdivision or rule adopted under this subdivision shall be guilty of a misdemeanor. For any subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Any person who violates any provision of this subdivision or any rule adopted or order issued under this subdivision shall, in addition, be liable for a civil forfeiture not to exceed \$5,000 for each violation, for each day of a continuing violation, which may be collected in a civil action or in connection with an action for injunctive relief brought by the attorney general.

III. Any person who violates any provision of this subdivision, or any rule or order of the commissioner, shall be subject to the imposition of an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

434:40-h Interpretation. Nothing in this subdivision shall be construed as interfering with the powers of the department of health and human services, division of public health services, or with statutes relating to public health and sanitary inspection, production and distribution of food.

2 Effective Date. This act shall take effect January 1, 1995.

Adopted.

Report adopted and ordered to third reading.

HB 279, establishing a committee to examine the effects of phosphorus and phosphorus-based products on the water quality of New Hampshire lakes, ponds, and rivers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Environment and Agriculture: This ban on phosphorus in household cleaning products puts into statute the fact that virtually all household cleaning products sold in New Hampshire currently do not contain phosphorus. As such, this bill offers an insurance policy that New Hampshire lakes will maintain their good water quality. Phosphorus in excessive quantities directly contributes to algae growth in a lake. Vote 15-1.

Amendment (3884B)

Amend the title of the bill by replacing it the following:

AN ACT

prohibiting certain household cleansing products
containing phosphates.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Certain Cleansing Products Prohibited. Amend RSA 485-A by inserting after section 54 the following new subdivision:

Certain Household Cleansing Products Prohibited

485-A:55 Definitions. In this subdivision:

I. "Household cleansing product" means any product, including but not limited to, soaps and detergents used for domestic cleaning purposes, including, but not limited to, the cleansing of fabric, dishes, food utensils and household premises.

II. "Phosphorus" means elemental phosphorus.

III. "Trace quantity" means an incidental amount of phosphorus which is not part of the household cleansing product formulation, is present only as a consequence of manufacturing and does not exceed 0.5 percent of the content of the product by weight, expressed as elemental phosphorus.

485-A:56 Products Prohibited. No household cleansing products except those used in dishwashers shall be distributed, sold or offered for sale in this state, which contain a phosphorus compound in concentrations in excess of a trace quantity.

485-A:57 Penalty. Any person who violates the provisions of this subdivision shall be subject to a civil penalty not to exceed \$50.

2 Report of the Commissioner of Environmental Services.

I. The commissioner of environmental services shall submit a report to the house environment and agriculture committee, the house resources, recreation and development committee, and the senate environment committee, by September 1, 1995, which shall include the following:

(a) A synopsis of both in and out of state scientific studies pertaining to the effect which anthropogenic source contributions of phosphorus to water bodies have on algal and other aquatic plant growth.

(b) A determination as to whether anthropogenic phosphate sources have damaged or threaten to damage the health of New Hampshire's water bodies.

(c) Methods of controlling anthropogenic phosphate sources, if deemed necessary, which shall include but not be limited to, reducing or eliminating phosphates in dishwasher detergent and from cleansing products used in commercial settings if suitable substitute products are available.

II. In preparing this report, the commissioner shall also examine whether other nutrients or factors may contribute to excess algal and other aquatic plant growth in New Hampshire water bodies and shall recommend control strategies for such nutrients or factors as deemed necessary.

III. The commissioner shall submit a progress report to the legislative committees by September 1, 1994, and shall hold a public hearing on the draft final report at least 30 days before its issuance. The division of public health services, department of health and human services, shall provide comment to the commissioner prior to the issuance of the final report.

3 Effective Date.

I. Section 1 of this act shall effect January 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill prohibits the sale of household cleansing products which contain a phosphorus compound in excess of a specified quantity.

This bill also requires the commissioner of environmental services to submit a report to the house environmental and agriculture committee, the house resources, recreation and development committee, and the senate environment committee by September 1, 1996. The report shall examine factors contributing to algal and other aquatic plant growth in New Hampshire water bodies.

Adopted.

Report adopted and ordered to third reading.

HB 472-FN, exempting certain used oil marketers from the hazardous waste cleanup fund fees. **INEXPEDIENT TO LEGISLATE**

Rep. Richard O. Wasson for Environment and Agriculture: House Bill 472-FN that calls for the repeal of current legislation under RSA 147-B:8,1a and RSA 147-B:9,11b requiring the payment of \$0.02 per gallon of used automobile lubricating oils by marketers and users thereof, is hereby recommended as "Inexpedient To Legislate" due to the inclusion of such action to repeal said requirements under HB 260-FN-A which the committee has recommended Ought to Pass With amendment. Vote 14-0.

Adopted.

HB 570-FN-L, creating a statewide current use reimbursement program. **REFER FOR INTERIM STUDY**

Rep. David M. Scanlan for Environment and Agriculture: Upon the receipt of new information, it was determined that the reimbursement formula in House Bill 570 is unworkable. This is a very complex issue and instead of rushing the committee's work, it was decided to send this bill to Interim Study. Vote 15-0.

Adopted.

HB 622-FN, relative to solid waste management districts. **OUGHT TO PASS**

Rep. Betty B. Hall for Environment and Agriculture: The committee report of Ought To Pass is based on the unanimous agreement to support a motion to recommit the bill to the committee when it reaches the floor. This complex issue has so many ramifications that extensive study has been required. Hours of work have already gone into review and revision of these statutes, but further work is required during the balance of 1993. Recommittal will be used to provide public hearings on the final version and will enable the House to take action early in 1994. Vote 16-0.

Rep. Betty Hall moved Recommit to Committee and spoke in favor.

Adopted.

HB 676-FN-L, relative to unfunded state mandates and exempting political subdivisions from certain fees imposed by the department of environmental services. **INEXPEDIENT TO LEGISLATE**

Rep. Betty B. Hall for Environment and Agriculture: Repealing statutes that may or may not meet the requirement of constitutional provisions prohibiting unfunded mandates should not be proposed in an omnibus bill. Therefore, the committee unanimously recommends Inexpedient To Legislate. Vote 14-0.

Rep. Scanlan moved Recommit to Committee.

Adopted.

HB 190-FN, giving the department of resources and economic development stewardship over certain abandoned rail lines. **OUGHT TO PASS WITH AMENDMENT**

Rep. William P. Boucher for Executive Departments and Administration: The bill was referred to deal with funding. The Committee feels strongly that the right-of-ways of the abandoned rail lines should and will be preserved. The Departments of Transportation and Resources and Economic Development have done a good job of working together to provide and maintain a good trail system. However, E.D. & A. has discovered that a new source of funds is available that could and should be used to enhance, preserve, and maintain these new trails given over to DRED, Parks Division for stewardship. We ask support for this new source of funds to be used as indicated in the amendment. The intent is to allocate 60 percent to DRED, Division of Parks for maintenance and 40 percent to DOT, Division of Railroads in a non-lapsing fund for the purpose of exercising "first right of refusal," to purchase right-of-ways when and if they become available. Vote 17-0.

Amendment (3990B)

Amend the title of the bill by replacing it with the following:

AN ACT

giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Stewardship Rights of the Department. Amend RSA 216-F:1 by inserting after paragraph III the following new paragraph:

IV. The commissioner of the department of resources and economic development shall have joint stewardship with the commissioner of transportation over all rail lines condemned, abandoned, or over which the state has exercised its right of first refusal to use in the statewide trail system under this chapter, until such time as the state decides upon another use for such rail lines.

2 Disposition of Revenue from Certain Rail Line Leases. Amend RSA 228:57 to read as follows:

228:57 Sale or Lease; Purpose.

I. The commissioner as sole agent for the state, with the approval of the governor and council, is authorized to sell, transfer or lease all or any part of the rail properties, and other property acquired under the provisions of this subdivision, to any responsible person, firm or corporation, for continued operation of a railroad, or other public purpose, provided, if nec-

essary, approval for such continued operation, or other public purpose, is granted by the interstate commerce commission of the United States whenever such approval is required. Such sale, transfer or lease shall be for such price, and subject to said further terms and conditions, as in the opinion of the commissioner are necessary and appropriate to effectuate the purposes of this subdivision.

II. Notwithstanding RSA 228:68, all revenues collected and currently unexpended by the commissioner from the lease of abandoned railroad rights-of-way and fiber optics shall be distributed in the following manner:

(a) Sixty percent of such revenues shall be deposited in the state parks fund for use by the bureau of trails established in RSA 216-A:3-i.

(b) Forty percent of such revenues shall be deposited in the special railroad fund established in RSA 228:68.

3 New Section; Joint Stewardship. Amend RSA 228 by inserting after section 67 the following new section:

228:67-a Stewardship over Certain Rail Lines. Notwithstanding the commissioner's authority as sole agent of the state under RSA 228:56 to acquire all manner of rail properties, the commissioner shall have joint stewardship with the commissioner of the department of resources and economic development over all rail lines condemned, abandoned, or over which the state has exercised its right of first refusal to use in the statewide trail system established in RSA 216-F, until such time as the state decides upon another use for such rail lines.

4 Distribution of Funds in Escrow. Any funds from the lease of state-owned rail properties or fiber optics in escrow on the effective date of this act because of a dispute in which the state is a party shall be distributed in the manner established in RSA 228:57, II, if the state shall prevail in the underlying dispute.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill gives the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines to be used for a statewide trail system, until the state decides upon another use for such lines.

The bill also splits the lease revenues of certain rail lines and fiber optics lines between the state parks fund in the department of resources and economic development and the department of transportation.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDERS

Reps. Ward and Katherine Wheeler moved that **HB 451-FN**, regulating naturopathic health care practice, be made a special order January 6.

Adopted.

Rep. Dunn moved that **HB 519-FN**, making technical changes in the mental health laws and relative to persons providing active care services, be made a special order for January 6, and spoke in favor.

Rep. Trombly spoke in favor.

Adopted.

REGULAR CALENDAR-PART II (Cont'd.)

HB 677, relative to the term of office for commissioners of state departments. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was re-referred to the committee to study making the terms of office for commissioners at the pleasure of the Governor. After study and public hearing, the committee amended the bill to give certain commissioners, deputy commissioners, and assistant commissioners a four-year term. This will give most of the top appointed officials of the Executive Department, in charge of departments, a four-year term. This bill, as amended, will not affect the term of any commissioner or deputy commissioner presently serving a fixed term. New appointments will be for

four-year terms. This will not affect the wages of any commissioners, deputy commissioners, or assistant commissioners. The Deputy Commissioner of Labor, who does not have a fixed term, and the Assistant Commissioner of Insurance, who does not have a fixed term, will begin a four-year term upon passage. The Deputy Commissioner of Employment Security will continue as a classified employee until there is a vacancy in that position; then the position will become unclassified with a four-year term. This will bring most state departments in a uniform system of appointment and term of office. Vote 15-0.

Amendment (4000B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the term of office for certain commissioners, deputy commissioners, and assistant commissioners of state departments.

Amend the bill by replacing all after the enacting clause with the following:

1 Commissioner of Labor to Serve 4-Year Term. Amend RSA 273:2 to read as follows:

273:2 Term of Commissioner; Removal. The commissioner shall hold office for [3] *a term of 4* years from the date of his appointment and until his successor shall be appointed and qualified, and may be removed for cause by the governor, with the advice and consent of the council.

2 New Section; Deputy Commissioner of Labor. Amend RSA 273 by inserting after section 2 the following new section:

273:2-a Deputy Commissioner.

I. The labor commissioner shall nominate a deputy commissioner for appointment by the governor, with the consent of the council. The deputy commissioner shall serve for a term of 4 years. The deputy commissioner shall be qualified to hold that position by reason of education and experience.

II. The deputy commissioner shall perform such duties as are assigned by the commissioner. The deputy commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

III. The salary of the deputy commissioner shall be as specified in RSA 94:1-a.

3 Commissioner of Employment Security to Serve 4-Year Term. Amend RSA 282-A:108, II to read as follows:

II. The commissioner shall hold office for [5] *a term of 4* years from the date of his appointment and until his successor is appointed and qualified. Otherwise the commissioner may be removed only as provided in RSA 4:1.

4 Deputy Commissioner of Employment Security. RSA 282-A:109 is repealed and reenacted to read as follows:

282-A:109 Deputy Commissioner.

I. The commissioner of the department of employment security shall nominate a deputy commissioner for appointment by the governor, with the consent of the council. The deputy commissioner shall serve for a term of 4 years. The deputy commissioner shall be qualified to hold that position by reason of education and experience.

II. The deputy commissioner shall perform such duties as are assigned by the commissioner. The deputy commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

III. The deputy commissioner shall be an unclassified state employee. The salary of the deputy commissioner shall be as specified in RSA 94:1-a.

5 Bank Commissioner and Deputy Bank Commissioner to Serve 4-Year Terms. Amend RSA 383:1 to read as follows:

383:1 Commissioner and Deputy. There shall be a bank commissioner who shall be appointed by the governor with the advice and consent of the council, and his term shall be for [6] 4 years or until his successor is appointed and qualified. *Otherwise, the commissioner may be removed only as provided in RSA 4:1.* There shall be a deputy bank commissioner who shall be recommended by the bank commissioner and appointed by the governor with the advice and consent of the council, and his term shall be [6] 4 years. The deputy may exercise the powers and perform the duties of the commissioner during his absence whenever

and to the extent that he may be so authorized by the commissioner. In case of the temporary disability of the commissioner, or of a vacancy in the office, the deputy shall have the powers and perform the duties of the commissioner until another commissioner is appointed and qualified.

6 Insurance Commissioner to Serve 4-Year Term. Amend RSA 400-A:3 to read as follows:

400-A:3 Insurance Commissioner; Appointment; Term. The head of the department shall be the insurance commissioner who is charged with the rights, powers, and duties pertaining to the enforcement and execution of the insurance laws of this state. The commissioner shall have all powers specifically granted to him or reasonably implied in order to enable him to perform the duties imposed upon him by this title. The commissioner shall have such additional rights, powers, and duties as may be provided by other laws. The commissioner shall be appointed by the governor with advice and consent of the council. The commissioner shall hold office for [5] **a term of 4 years** and until a successor has been appointed and has qualified. Vacancies in the office of the insurance commissioner shall be filled for the unexpired term of such office. He may be removed only as provided by RSA 4:1.

7 Deputy Insurance Commissioner to Serve 4-Year Term. Amend RSA 400-A:6, I to read as follows:

I. The commissioner, subject to the approval of the governor *with the consent of the council*, shall appoint a deputy commissioner of insurance who shall hold office for [5] 4 years and until a successor has been appointed and qualified.

8 Assistant Insurance Commissioner to Serve 4-Year Term. Amend RSA 400-A:6, III-a to read as follows:

III-a. [There shall be] ***The commissioner, subject to the approval of the governor with the consent of the council, shall appoint*** an assistant commissioner of insurance who shall [be appointed by the commissioner of insurance. He shall serve at the pleasure of the commissioner during good behavior] ***hold office for 4 years and until a successor has been appointed and qualified.*** When the offices of the commissioner and deputy commissioner are vacant, or when the commissioner or deputy commissioner is unable to perform his duties because of mental or physical disability, the assistant commissioner of insurance shall be acting commissioner. The assistant commissioner shall perform such duties and exercise such powers of the commissioner pursuant to RSA title XXXVII as the commissioner from time to time may authorize.

9 Commissioner of Agriculture to Serve 4-Year Term. Amend RSA 425:3 to read as follows:

425:3 Appointment or Removal of Commissioner. The governor, with the advice and consent of the council, shall appoint a state commissioner of agriculture for a term of [5] 4 years and until his successor is appointed and qualified. Prior to the appointment of a commissioner, the governor and council shall receive and consider the recommendations of the agricultural advisory board as to such appointment. The commissioner may be removed at any time for cause by the governor with the advice and consent of the council, on his own motion or upon recommendation of the agricultural advisory board. Vacancies in the office of commissioner shall be filled for the unexpired term only.

10 Salary of Deputy Commissioner of Employment Security. Amend RSA 94:1-a, I by inserting the following:

In group O, deputy commissioner of employment security.

11 Application.

I. The provisions of sections 1-9 of this act shall not affect the term of any commissioner, deputy commissioner, or assistant commissioner in office on the effective date of this act. Commissioners, deputy commissioners, and assistant commissioners of departments shall be appointed according to the provisions of sections 1-9 of this act as the terms of such commissioners, deputy commissioners and assistant commissioners expire.

II.(a) The term of the deputy commissioner of the department of labor and the term of the assistant commissioner of the department of insurance shall be deemed to begin on the effective date of this act.

(b) The deputy commissioner of the department of employment security in office on the effective date of this act shall continue to be a classified state employee, with a salary

grade of 34. When a vacancy occurs in the office of the current deputy commissioner, the deputy commissioner of the department of employment security shall be appointed to a 4-year term in accordance with RSA 282-A:109, and shall be an unclassified state employee with a salary as specified in RSA 94:1-a, I, group O.

III. The provisions of sections 1-9 of this act shall not affect the salary of any commissioner, deputy commissioner, or assistant commissioner in office on the effective date of this act.

12 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes the term of office for the commissioner and the deputy commissioner of the departments of labor, employment security, banking, insurance, the term of office for the commissioner of agriculture, and the term of office for the assistant commissioner of the department of insurance, to 4 years.

The bill does not affect the terms of commissioners, deputy commissioners, and assistant commissioners currently in office. When a vacancy occurs in the office of the current deputy commissioner of the department of employment security, the deputy commissioner shall be appointed to a 4-year term, and shall become an unclassified state employee with a salary as specified in RSA 94:1-a, I, group O.

Adopted.

Report adopted and ordered to third reading.

SB 43, relative to the state board of auctioneers. OUGHT TO PASS WITH AMENDMENT

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill increases the number of members on the Board of Auctioneers from five to seven. It allows two public members to be added to the board to ensure that the board acts as a consumer protection entity. The majority of the bill enforces the new administrative rules that have been adopted by the board. Vote 14-1.

Amendment (4022B)

Amend the bill by replacing all after the enacting clause with the following:

1 Board Membership Increased. Amend RSA 311-B:2 to read as follows:

311-B:2 State Board of Auctioneers.

I. There is hereby established a state board of auctioneers consisting of [5] 7 members, including 4 auctioneers and [one] 3 public [member] *members*, appointed by the governor with the advice of the council for terms of 5 years. Terms shall expire March 1. All board members shall be residents of this state and no board member shall serve more than 2 consecutive terms.

II. The public [member] *members* of the board shall be [a person] *persons* who [is] *are* not, and never [was] *were*, [a member] *members* of the auctioneering profession or [the spouse] *spouses* of any such [person] *persons*, and who [does] *do* not have, and never [has] *have* had, a material financial interest in either the provision of such professional services [or], an activity directly related [thereto] *to such professional services, or an activity in direct or indirect competition with auctioneering*, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

III. The board shall elect a [chairman and secretary] *chairperson biennially beginning in April 1995* from among its members. [The secretary shall quarterly submit minutes of board meetings and reports of board activities to the secretary of state.] *Minutes of all board meetings shall be kept on file at the office of the board.*

IV. All board members shall [serve without] *receive compensation of \$25 per diem and that mileage reimbursement as allowed by the state.*

V. *When an investigation is performed by a board member, such investigation shall be assigned on a rotating basis among the auctioneer members of the board.*

2 License Application and Renewal. Amend RSA 311-B:3 to read as follows:

311-B:3 Rulemaking Authority. The board[, with the approval of the secretary of state,] shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for [registration] *licensure* and renewal of [registration;] *license, including the requirements for continuing education as a condition of license renewal.*

II. The qualifications of applicants in addition to those requirements set by statute, and including the qualifications for satisfactory evidence of good professional character[;].

II-a. The administration of a written licensing examination.

III. The establishment of all fees required under this chapter[;].

III-a. The form and content of the license application, including any verification of the information thereon the board deems necessary[;].

IV. Ethical and professional standards required to be met by each holder of a license under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards[;].

V. Matters related to the proper administration of this chapter[; and].

VI. Procedures for the conduct of *investigations and* hearings consistent with the requirements of due process.

VII. The minimum content requirements of written auction contracts.

VIII. The assessment of administrative fines.

IX. The informational sheet required under RSA 311-B:8-a, VIII to include relevant information regarding state and federal laws.

3 New Paragraphs; Auctioneer Liability; Corporations. Amend RSA 311-B:4 to read as follows:

311-B:4 Acts Prohibited.

I. No person shall engage in auctioneering [for a fee or commission] unless [he] such person has first obtained a license under this chapter. However, a licensed auctioneer may employ apprentice auctioneers to assist him.

II. The auctioneer listed in the auction advertisement shall be liable for the conduct and proceeds of the auction and payment to all consignors.

III. No corporation or business entity shall offer or purport to offer auctioneer services unless a principal of such corporation or business entity is a licensed auctioneer under this chapter.

4 Revised Section; Qualifications; Examination Required. RSA 311-B:5 is repealed and reenacted to read as follows:

311-B:5 Qualifications. The board shall grant licensure to any applicant who:

I.(a) Submits an application to the board of auctioneers containing required information.

(b) Files a bond as required by RSA 311-B:8.

(c) Submits recommendations from 2 resident New Hampshire licensed auctioneers certifying that the applicant is trustworthy and competent to auction real, personal and mixed property in such a manner so as to safeguard the interests of the public. Non-resident applicants may satisfy this requirement by submitting such recommendations from 2 resident auctioneers in the state of which the applicant is resident.

(d) Submits proof of competence in one of the following forms:

(1) An affidavit from a New Hampshire licensed auctioneer certifying that the applicant has served as an apprentice auctioneer for such New Hampshire licensed auctioneer for a period of not less than 6 months and has participated as a bid caller in not less than 10 auctions under such New Hampshire licensed auctioneer; or

(2) A certificate of graduation from an approved auctioneering school and an affidavit from a New Hampshire licensed auctioneer certifying that the applicant has served as an apprentice auctioneer for such New Hampshire licensed auctioneer for a period of not less than 3 months and has participated as a bid caller in not less than 5 auctions under such New Hampshire licensed auctioneer; or

(3) A certified copy of a valid current auctioneer's license held by the applicant from any other state issued by the appropriate state agency.

(e) Submits the fee established by the board for licensure or renewal.

(f) Has successfully passed a written examination administered by the board of auctioneers.

II. If the applicant is a firm, partnership, association, or corporation, the individual applying for the firm, partnership, association or corporation shall be the licensee and shall meet all the requirements under RSA 311-B.

5 Bond for Duration of License. Amend RSA 311-B:8 to read as follows:

311-B:8 Bond. No license shall be granted until the applicant has filed a bond with the [secretary of state] *board of auctioneers* in the sum of \$10,000, *for the duration of the license*, with sureties approved by the secretary of state, conditioned that he will properly account for and deliver to the person entitled, all moneys and things of value coming into his hands as an auctioneer and will conform to the laws relating to such auctions. All bonds required under this chapter shall be purchased from a reputable company authorized to do business in this state.

6 New Sections; Auctioneer Contracts; Records; Conditions of Auction Sales. Amend RSA 311-B by inserting after section 8 the following new sections:

311-B:8-a Auctioneer Contracts. A person shall not conduct an auction in this state without first having a written contract with the owner of any property to be sold. A contract must also specify the terms and conditions of the agreement, including, but not limited to:

I. A description of property to be offered for sale.

II. Specific reserves, if any.

III. A statement of settlement terms in which payment shall be within 10 business days of the auction, unless otherwise agreed to by both parties in the contract.

IV. The commission rate.

V. A statement of other charges.

VI. The buyer's premium, if applicable.

VII. The name and address of the consignor and such consignor's legal right to sell.

VIII. A copy of the information sheet provided by the state board of auctioneers.

311-B:8-b Records to be Kept by Auctioneers. The responsible auctioneer shall keep records of the auction including, but not limited to, contracts, bidders, consignors, and receipts. These records shall be kept in such manner so as to allow reconstruction of the auction in the event of a complaint.

311-B:8-c Terms and Conditions of the Auction Sales. Every licensee shall post for display and describe at the beginning of each auction the terms and conditions of the auction sale. The terms and conditions shall include:

I. A description of the conditions under which the property is being offered.

II. That the highest bid will be acknowledged by the auctioneer.

III. Whether a bid not commensurate with value, in the opinion of the auctioneer, may be accepted.

IV. Whether absentee bids will be allowed.

V. Whether or not the auction is with reserve.

VI. A statement of buyer's premium.

VII. That all buyers shall be entitled to a written receipt of their purchases.

7 Fees; License Renewal. RSA 311-B:10 is repealed and reenacted to read as follows:

311-B:10 Fees; Renewal.

I. Licenses shall expire every 3 years on August 31.

II. Fees for licensure or renewal of a license under this chapter shall be established by the board.

III. As a condition of renewal of license, the board shall require each licensee to show proof that the licensee has successfully completed the required hours of continuing education in a program approved by the board.

IV. The grace period for license renewal shall be 30 days from the expiration date of the license, and if that period shall elapse, the applicant must reapply and be re-examined for licensure under RSA 311-B:3, II-a and RSA 311-B:7. Until the license renewal requirements are satisfied, during the 30-day grace period the licensee shall not conduct auctions in this state, and such license shall be void upon lapse of such grace period.

V. Before renewing any auctioneer license in August 1994, the licensee shall demonstrate to the satisfaction of the board that such licensee is knowledgeable regarding current laws regulating auctioneers.

8 New Section; Investigations. Amend RSA 311-B by inserting after section 10 the following new section:

311-B:10-a Investigations.

I. The board shall conduct an investigation of any person who has been the subject of any written complaint.

II. All written complaints received by the board shall be maintained as part of the permanent records of the board.

III. Any person licensed by this board who has been found guilty of 3 violations under this chapter during a 2-year consecutive period shall not be issued a renewed license until the licensee has retaken and successfully completed the examination administered by the board, plus whatever other requirements the board might determine appropriate.

9 New Subparagraph; Administrative Fines. Amend RSA 311-B:11, III by inserting after subparagraph (d) the following new subparagraph:

(e) By assessing administrative fines in amounts established by the board which shall be not less than \$300 nor more than \$5,000 per offense, or in the case of continuing offenses, \$300 for each day the violation continues.

10 Exceptions Deleted. Amend RSA 311-B:13, I to read as follows:

I. This chapter shall not apply to any auctions held by order or judgment of any court of the state or the United States, or by any officer of a municipality, county, *or* state of United States[, foreclosure sales by mortgagees, lienholders or holders of any other kinds of security interests in real, personal or mixed property or to sales conducted or made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, receivers, assignees under voluntary assignments for the benefit of creditors or insurers, or by any other person required by law to sell real, personal or mixed property].

11 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the number of members on the board of auctioneers, deletes several exceptions relating to auctions, and revises the regulatory authority and duties of the board.

Rep. Guay spoke against.

Reps. McGrath and Beaulieu spoke in favor and yielded to questions.

Rep. Ward spoke in favor.

Rep. John Sytek moved Recommit to Committee.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 6 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 630-FN, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers.

HB 634, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists.

HB 267, correcting a reference in the stalking law.

HB 439, relative to the profession of engineering.

HB 583, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors.

SB 149-FN, relative to land surveying by individual proprietors, corporations or partnerships.

HB 325, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates.

HB 370, establishing a local government advisory committee.

HB 410-L, relative to the appointment of a deputy town treasurer and the swearing in of town officers.

HB 123, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values.

HB 210, limiting the use of off highway recreational vehicles near occupied residences.

HB 610-FN, requiring joint registration for primary craft and their tender.

HB 388, relative to disclosures by the seller of real property.

HB 389, relative to the disclosure of certain historical information regarding property.

HB 404, relative to the prohibited coercion of employees to make political contributions.

HB 411-FN-L, relative to the hours of polling in cities and towns.

HB 308, establishing a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU.

HB 599-FN-L, establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment.

HB 134, relative to penalties, definitions, licenses, permits, registrations and rulemaking under the weights and measures laws and repealing the law governing the sale of wood.

HB 195-FN, relative to the sale of cider.

HB 279, prohibiting certain household cleansing products containing phosphates.

HB 190-FN, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments.

HB 677, relative to the term of office for certain commissioners, deputy commissioners, and assistant commissioners of state departments.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1577-L.

Rep. Dunn, Sen. Currier for the Committee

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 5:10 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 2

Thursday, January 6, 1994

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of energy and passion in Whom the oppressed find hope and from Whom we seek guidance and wisdom. Challenge us with Your truth. Help us to know the best ways of supporting one another and fill us with a persistent longing to accomplish Your will through our work. Amen.

Rep. Stritch led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Hauck, Gagnon, O'Brien, Champagne, Irene Pratt, Rheault, Miller, Vaughn, Groves, Perry and Lovejoy, the day, illness.

Reps. Blake, Woods, Weeks, Moncrief, Lucien Bergeron, Stewart, Daniels, Kurk, Patricia Brown, Hart, David Richards, Wiswell and Marsha Pelletier, the day, important business.

Rep. Ham, the day, death in the family.

Rep. Simon, the day, illness in the family.

INTRODUCTION OF GUESTS

Kelley and Danielle DePecol, wife and daughter of Rep. DePecol.

VACATES

Rep. Channing Brown moved that the House vacate the reference of **HB 1523-FN-A**, establishing a state veterans' cemetery and making an appropriation therefor, to the Committee on Appropriations.

Adopted and referred to Public Works.

Rep. Musler moved that the House vacate the reference of **HB 1444-FN**, authorizing the use of on-site recycling and greywater waste treatment systems as an alternative waste disposal system and authorizing inspection fees, to the Committee on Environment and Agriculture.

Adopted and referred to Resources, Recreation and Development.

Rep. Gene Chandler moved that the House vacate the reference of **HB 1409**, relative to voluntary construction standards when applying for a certificate of compliance for energy efficiency to a town, city, building inspector, or the public utilities commission, to the Committee on Public Works.

Adopted and referred to Science, Technology and Energy.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1578, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee. (A. Merrill, Staf 8; Kidder, Merr 2; Gordon, Graf 8; D. Sytek, Rock 26; Trombly, Merr 4; Disnard, Dist 8; Russman, Dist 19; Legislative Administration)

SPECIAL ORDERS

HB 497, allowing towns and school districts to use the official ballot for any issue before the voters. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Young for Constitutional and Statutory Revision: House Bill 497 has had three exceptionally well attended public hearings. The vast majority of the participants spoke in support of enabling legislation to permit the school districts and town voting process to utilize the official ballot on budget items. Vote 14-4.

Rep. Wadsworth moved that the words Refer to Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment.

Reps. Coes and Schotanus spoke in favor and yielded to questions.

Reps. Bove and Gorman spoke against.

Rep. Burling requested a quorum count. The Speaker declared a quorum present.

(Rep. Cole in the Chair)

Reps. Dube, David Young and Domaingue spoke against and yielded to questions.

(Speaker Burns in the Chair)

Reps. Donna Sytek and Wadsworth spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 244 - NAYS 111**YEAS 244****BELKNAP**

Bartlett, Gordon	Golden, Paul	Hawkins, Robert	Holbrook, Robert
Salatiello, Thomas	Smith, Linda	Turner, Robert	Ziegler, Alice

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.
Foster, Robert	Lyman, L. Randy	Philbrick, Donald	Saunders, Howard
Wiggin, Allen	Wiggin, Gordon		

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Foster, Katherine
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Smith, Edwin

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Mears, Edgar	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Channing
Chase, Paul, Jr.	Copenhaver, Marion	Crory, Elizabeth	Driscoll, William
Eaton, Stephanie	Gordon, Edward	Guest, Robert	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	McIlwaine, Deborah	Nordgren, Sharon
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen
Ward, Kathleen	White, Paul		

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Ahrens, Frederick	Allen, W. Gordon
Amidon, Eleanor	Asselin, Robert	Bagley, Amy	Bergeron, Normand
Buckley, Raymond	Cepaitis, Elizabeth	Clemons, Jane	Cote, David
Cowenhoven, Garret	Crotty, Edward	Daigle, Robert	Drabinowicz, A. Theresa
Durham, Susan	Ferguson, Charles	Fields, Dennis	Foster, Linda
Franks, Suzan	Gage, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse

Hall, Betty
 Jean, Claudette
 L'Heureux, Robert
 Lown, Elizabeth
 McRae, Karen
 Moore, Elizabeth
 O'Rourke, Joanne
 Philbrook, Paula
 Rothhaus, Finlay
 Smart, John
 Toomey, Kathryn
 White, John

Hanselman, Gregory
 Johnson, Lionel
 Lachut, Ervin
 Lozeau, Donnalee
 Mercer, Robert
 Morrisette, Roland
 Packard, Bonnie
 Plourde, Alphonse
 Sallada, Roland
 Soucy, Donna
 Turgeon, Roland

Holden, Carol
 Kelley, Robert
 Laughlin, J. Francis
 Martin, Mary Ellen
 Messier, Irene
 Murphy, Robert
 Paquette, Rodolphe
 Record, Alice
 Sargent, Maxwell
 Soucy, Richard
 Upton, Barbara

Holt, Mark
 Kirby, Thomas
 Lessard, Rudy
 McCarty, Winston
 Mittelman, David
 Nardi, Theodora
 Peters, Stanley
 Reidy, Frank
 Searles, Stanley, Sr.
 Sullens, Joan
 Wheeler, Robert

MERRIMACK

Braiterman, Thea
 Daneault, Gabriel
 French, Barbara
 Johnson, C. William
 Mitchell, Vernon
 Owen, Derek
 Teague, Bert
 Whalley, Michael

Carter, Susan
 Dunn, Miriam
 Gilbreth, Robert
 Johnson, Joyce May
 Moore, Carol
 Pfaff, Terence
 Trombly, Rick
 Whittemore, James

Chandler, Earle
 Feuerstein, Martin
 Hall, Douglas
 Kidder, William
 Newland, Matthew
 Regan, Maurice
 Wallner, Mary Jane
 Willis, Jack

Chandler, John
 Fillion, Paul
 Holmes, Mary
 Lockwood, Robert
 Nichols, Avis
 Rogers, Katherine
 Ward, Jay
 Yeaton, Charles

ROCKINGHAM

Bell, Juanita
 Caswell, Albert, Jr.
 Conroy, Janet
 Dowd, Sandra
 Gage, Beverly
 Kane, Cecelia
 McGovern, Cynthia
 Ritzo, Eugene
 St. Martin, Tommy
 Sytek, John

Boucher, William
 Clark, Martha
 Cote, Patricia
 Drake, Herbert
 Gargiulo, Louis
 Katsakiores, George
 Noyes, Richard
 Schanda, Joseph, Sr.
 Stone, Joseph
 Weyler, Kenneth

Campbell, Marilyn
 Clark, Vivian
 Crossman, Harold, Jr.
 Felch, Charles, Sr.
 Hutchinson, Karen
 Kruse, Fred
 O'Keefe, Patricia
 Skinner, Patricia
 Syracuse, Anthony
 Williamson, William

Case, Margaret
 Coes, Betsy
 Crum, William, Jr.
 Flanagan, Natalie
 Johnson, Robert
 Malcolm, Kenneth
 Pantelakos, Laura
 Splaine, James
 Sytek, Donna

STRAFFORD

Brown, Julie
 Gilmore, Gary
 Keans, Sandra
 McGrath, J. Gregory
 Musler, George
 Spear, Barbara
 Vincent, Francis

Callaghan, Frank
 Hambrick, Patricia
 Loder, Suzanne
 McKinley, Robert
 Pelletier, Arthur
 Sullivan, Henry
 Wall, Janet

Chagnon, Ronald
 Hemon, Roland
 Lundborn, Raymond
 Merrill, Amanda
 Rogers, Rose Marie
 Torr, Ann
 Wasson, Richard

Dunlap, Patricia
 Hilliard, Dana
 McCann, William, Jr.
 Merritt, Deborah
 Snyder, Clair
 Torr, Franklin
 Wheeler, Katherine

SULLIVAN

Allison, David
 Flint, Gordon
 Rodeschin, Beverly

Behrens, Thomas
 Kane, Joan
 Schotanus, Merle

Burling, Peter
 Palmer, Lorraine
 Stamatakis, Carol

Cloutier, John
 Peyron, Fredrik

NAYS 111

BELKNAP

Cain, Thomas
 Laffam, Robert
 Young, Niel

Campbell, Richard, Jr.
 Lawton, David

Dewhirst, Glenn
 Rice, Thomas, Jr.

Johnson, Carl
 Rosen, Ralph

CARROLL

Allard, Nanci	Cogswell, Richard	Mock, Henry
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CHESHIRE

Avery, Stephen	Cole, Stacey	Hunt, John	Pearson, Gertrude
Young, David			

COOS

None

GRAFTON

Brown, Alison	Rose, William
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HILLSBOROUGH

Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.	Borsa, Andrew
Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert
Desrosiers, William	Dodge, Emma	Domaingue, Jacquelyn	Donovan, Francis
Drolet, Paul	Dyer, Merton	Dykstra, Leona	Fenton, James
Greenberg, Gary	Healy, Daniel	Holley, Sylvia	Hunter, Bruce
Jasper, Shawn	Jean, Loren	Kelley, Dana	Leclerc, Charles
Lefebvre, Roland	Milligan, Robert	Morello, Michael	Pepino, Leo
Perkins, Paul	Riley, Frances	Rodgers, G. Philip	Smith, Leonard
Tate, Joan	Vanderlosk, Stanley	Weergang, Alida	Wells, Peter, Sr.
Wright, George			

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Houlahan, Thomas	Kennedy, Richard
Langer, Ray	Shaw, Randall	Stapleton, Henry	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Bove, Martin	Chester, Sherman	Christie, Andrew, Jr.	Cote, Charles
DiPietro, Carmela	Dowling, Patricia	Dube, LeRoy	Fesh, Robert
Flanders, David	Flanders, John, Sr.	Gorman, Donald	Hemenway, Thomas
Hurst, Sharleene	Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.
Lee, Rebecca	MacDonald, Maurice	McKinney, Betsy	Moore, Benjamin
Newman, Rick	Packard, Sherman	Pratt, Katharin	Pullman, Robert
Putnam, Ed, II	Raynowska, Bernard	Rosencrantz, James	Rubin, George
Senter, Merilyn	Smith, Arthur	Stritch, C. Donald	Warburton, Calvin
Welch, David	Yennaco, Carol		

STRAFFORD

Brown, George	Douglass, Clyde	Kincaid, William	Knowles, William
Nehring, William	Pageotte, Donald	Torr, Ralph	

SULLIVAN

Domini, Irene	Holl, Ann	Lindblade, Eric
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and the motion was adopted.

The question now being the adoption of the substituted committee report, Refer to Interim Study. Roll call request sufficiently seconded.

YEAS 258 - NAYS 97**YEAS 258****BELKNAP**

Bartlett, Gordon	Golden, Paul	Hawkins, Robert	Holbrook, Robert
Salatiello, Thomas	Smith, Linda	Turner, Robert	Ziegler, Alice

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Saunders, Howard

Beach, Mildred
Foster, Robert
Wiggin, Allen

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Philbrick, Donald

CHESHIRE

Bonneau, Sarah
Delano, Robert
Lynch, Margaret
Metzger, Katherine
Royce, H. Charles

Burnham, Daniel
Foster, Katherine
Manning, Joseph
Richardson, Barbara
Russell, Ronald

Cole, Stacey
Hunt, John
McGuirk, Paul
Riley, William
Smith, Edwin

DePecol, Benjamin
Kingsbury, H. Thayer
McNamara, Wanda
Robertson, Timothy

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Coulombe, Henry
Mayhew, Josephine

Foss, Frederic
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Eaton, Stephanie
LaMott, Paul
Scanlan, David
Ward, Kathleen

Bean, Pamela
Copenhaver, Marion
Gordon, Edward
Larson, Nils, Jr.
Teschner, Douglass
White, Paul

Below, Clifton
Corry, Elizabeth
Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Brown, Channing
Driscoll, William
Hill, Richard
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Amidon, Eleanor
Bergeron, Normand
Cote, David
Drabinowicz, A. Theresa
Ferguson, Charles
Gage, Ruth
Hanselman, Gregory
Jean, Claudette
Kirby, Thomas
Lessard, Rudy
McCarty, Winston
Mittelman, David
Nardi, Theodora
Perkins, Paul
Record, Alice
Sargent, Maxwell
Soucy, Richard
Upton, Barbara

Ahlgren, Madelyn
Arnold, Barbara
Buckley, Raymond
Cowenhoven, Garret
Drolet, Paul
Fields, Dennis
Gosselin, Gerald
Healy, Daniel
Johnson, Lionel
L'Heureux, Robert
Lown, Elizabeth
McRae, Karen
Moore, Elizabeth
O'Rourke, Joanne
Peters, Stanley
Reidy, Frank
Searles, Stanley, Sr.
Sullens, Joan
Wheeler, Robert

Ahrens, Frederick
Asselin, Robert
Cepaitis, Elizabeth
Crotty, Edward
Durham, Susan
Foster, Linda
Haettenschwiller, Alphonse
Holden, Carol
Kelley, Dana
Lachut, Ervin
Lozeau, Donnalee
Mercer, Robert
Morrisette, Roland
Packard, Bonnie
Philbrook, Paula
Rothhaus, Finlay
Smart, John
Toomey, Kathryn
White, John

Allen, W. Gordon
Bagley, Amy
Clemons, Jane
Daigle, Robert
Dyer, Merton
Franks, Suzan
Hall, Betty
Holt, Mark
Kelley, Robert
Laughlin, J. Francis
Martin, Mary Ellen
Messier, Irene
Murphy, Robert
Paquette, Rodolphe
Plourde, Alphonse
Sallada, Roland
Soucy, Donna
Turgeon, Roland

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Johnson, C. William
Mitchell, Vernon
Owen, Derek
Teague, Bert
Whalley, Michael

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Johnson, Joyce May
Moore, Carol
Pfaff, Terence
Trombly, Rick
Whittemore, James

Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Kidder, William
Newland, Matthew
Regan, Maurice
Wallner, Mary Jane
Willis, Jack

Chandler, John
Fillion, Paul
Holmes, Mary
Lockwood, Robert
Nichols, Avis
Rogers, Katherine
Ward, Jay
Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Caswell, Albert, Jr.
Conroy, Janet
Dowd, Sandra
Gargiulo, Louis
Katsakiores, George
McGovern, Cynthia
Raynowska, Bernard
Skinner, Patricia
Syracusa, Anthony
Williamson, William

Boucher, William
Clark, Martha
Cote, Patricia
Felch, Charles, Sr.
Hutchinson, Karen
Klemm, Arthur, Jr.
Noyes, Richard
Ritzo, Eugene
Splaine, James
Sytek, Donna

Campbell, Marilyn
Clark, Vivian
Crossman, Harold, Jr.
Flanagan, Natalie
Johnson, Robert
Kruse, Fred
O'Keefe, Patricia
Schanda, Joseph, Sr.
St. Martin, Tommy
Sytek, John

Case, Margaret
Coes, Betsy
Crum, William, Jr.
Gage, Beverly
Kane, Cecelia
Malcolm, Kenneth
Pantelakos, Laura
Senter, Merilyn
Stone, Joseph
Weyler, Kenneth

STRAFFORD

Callaghan, Frank
Gilmore, Gary
Hilliard, Dana
McCann, William, Jr.
Merritt, Deborah
Snyder, Clair
Torr, Franklin
Wheeler, Katherine

Chagnon, Ronald
Hambrick, Patricia
Keans, Sandra
McGrath, J. Gregory
Musler, George
Spear, Barbara
Vincent, Francis

Douglass, Clyde
Hashem, Elaine
Loder, Suzanne
McKinley, Robert
Pelletier, Arthur
Sullivan, Henry
Wall, Janet

Dunlap, Patricia
Hemon, Roland
Lundborn, Raymond
Merrill, Amanda
Rogers, Rose Marie
Torr, Ann
Wasson, Richard

SULLIVAN

Allison, David
Flint, Gordon
Peyron, Fredrik

Behrens, Thomas
Kane, Joan
Rodeschin, Beverly

Burling, Peter
Lindblade, Eric
Schotanus, Merle

Cloutier, John
Palmer, Lorraine
Stamatakis, Carol

NAYS 97**BELKNAP**

Cain, Thomas
Lafam, Robert
Young, Niel

Campbell, Richard, Jr.
Lawton, David

Dewhirst, Glenn
Rice, Thomas, Jr.

Johnson, Carl
Rosen, Ralph

CARROLL

Cogswell, Richard

Mock, Henry

CHESHIRE

Avery, Stephen

Pearson, Gertrude

Young, David

COOS

None

GRAFTON

Brown, Alson

Rose, William

HILLSBOROUGH

Andrews, Frederick
Burke, M. Virginia
Dodge, Emma
Greenberg, Gary
Jean, Loren
Morello, Michael
Smith, Leonard
Wells, Peter, Sr.

Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Domainque, Jacquelyn
Holley, Sylvia
Leclerc, Charles
Pepino, Leo
Tate, Joan
Wright, George

Borsa, Andrew
Chabot, Robert
Donovan, Francis
Hunter, Bruce
Lefebvre, Roland
Riley, Frances
Vanderlosk, Stanley

Bowers, Dorothy
Desrosiers, William
Dykstra, Leona
Jasper, Shawn
Milligan, Robert
Rodgers, G. Philip
Weergang, Alida

MERRIMACK

Barberia, Richard
Langer, Ray

Buessing, Marjorie
Shaw, Randall

Houlahan, Thomas
Stapleton, Henry

Kennedy, Richard

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
DiPietro, Carmela
Fesh, Robert
Hemenway, Thomas
Lee, Rebecca
Newman, Rick
Putnam, Ed, II
Stritch, C. Donald

Arndt, Janet
Chester, Sherman
Dowling, Patricia
Flanders, David
Hurst, Sharleene
MacDonald, Maurice
Packard, Sherman
Rosencrantz, James
Warburton, Calvin

Battles, Marjorie
Christie, Andrew, Jr.
Drake, Herbert
Flanders, John, Sr.
Katsakiores, Phyllis
McKinney, Betsy
Pratt, Katharin
Rubin, George
Welch, David

Beaulieu, Jon
Cote, Charles
Dube, LeRoy
Gorman, Donald
Klemarczyk, Thaddeus
Moore, Benjamin
Pullman, Robert
Smith, Arthur
Yennaco, Carol

STRAFFORD

Brown, George
Pageotte, Donald

Kincaid, William
Torr, Ralph

Knowles, William

Nehring, William

SULLIVAN

Domini, Irene

Holl, Ann

and the motion was adopted.

Rep. Langer voted nay and intended to vote yea.

Rep. Fenton did not vote and intended to vote nay.

Rep. Julie Brown did not vote and intended to vote yea.

HB 394, relative to discrimination in automobile insurance policies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Robert S. Mercer for the Majority of Commerce, Small Business and Consumer Affairs: Gender is considered on all auto underwriting risk classifications. It has been used for decades. Forty-five states have elected **not** to classify risks by gender. Absence of any private market activity in the hopes of gaining a competitive advantage casts substantial doubt that a gender neutral approach is actuarially sound and/or economically feasible. Section 3 of the bill relating to apportionment of lost premiums is unclear and could lead to litigation. All data clearly says gender distinction is justifiable. It is a distinction - not discrimination. Vote 10-5.

Rep. Matthew J. Newland for the Minority of Commerce, Small Business and Consumer Affairs: Young people ages 17 to 24 pay 50 percent to 80 percent more in premiums than the 25+ age group. Young males (17-24) pay 30 percent to 40 percent more in premiums than females. In 1992 actual accidents show that ages 19 to 45 had from 929 to 1205 accidents in each age group. At age 17 and 44 the percent of intersection related accidents per licensed driver was the same (3 percent). There is no accurate way of knowing why younger drivers must pay more. The difference between male and female number of accidents is rapidly disappearing. This bill creates fairness and equality. It allows for drivers to be rated on their driving record and accidents, not primarily on sex and age.

Rep. Cloutier moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Cloutier requested a quorum count. The Speaker declared a quorum present.

Reps. Cloutier, Katherine Wheeler, and Fillion spoke in favor.

Reps. Mercer, Wells and Bonnie Packard spoke against and yielded to questions.

Rep. Newland spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 157 - NAYS 193**YEAS 157****BELKNAP**

Dewhirst, Glenn

Hawkins, Robert

Salatiello, Thomas

Smith, Linda

CARROLL

Cogswell, Richard

Mock, Henry

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Riley, William

Burnham, Daniel
Lynch, Margaret
Russell, Ronald

DePecol, Benjamin
McGuirk, Paul

Foster, Katherine
Richardson, Barbara

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Below, Clifton
McIlwaine, Deborah

Copenhaver, Marion
Nordgren, Sharon

Crory, Elizabeth
Rose, William

Guest, Robert

HILLSBOROUGH

Ahern, Richard
Asselin, Robert
Cote, David
Drabinowicz, A. Theresa
Gage, Ruth
Jean, Claudette
L'Heureux, Robert
Martin, Mary Ellen
Nardi, Theodora
Plourde, Alphonse
Searles, Stanley, Sr.
Toomey, Kathryn
White, John

Allen, W. Gordon
Bagley, Amy
Crotty, Edward
Dwyer, Patricia
Haettenschwiller, Alphonse
Jean, Loren
Lachut, Ervin
Messier, Irene
O'Rourke, Joanne
Reidy, Frank
Smart, John
Turgeon, Roland

Andrews, Frederick
Buckley, Raymond
Dodge, Emma
Fields, Dennis
Hall, Betty
Johnson, Lionel
Leclerc, Charles
Milligan, Robert
Paquette, Rodolphe
Rothhaus, Finlay
Soucy, Donna
Upton, Barbara

Arnold, Thomas, Jr.
Clemons, Jane
Donovan, Francis
Foster, Linda
Hanselman, Gregory
Kirby, Thomas
Lefebvre, Roland
Murphy, Robert
Philbrook, Paula
Sallada, Roland
Soucy, Richard
Vanderlosk, Stanley

MERRIMACK

Barberia, Richard
Daneault, Gabriel
French, Barbara
Mitchell, Vernon
Regan, Maurice
Trombly, Rick

Braiterman, Thea
Dunn, Miriam
Hall, Douglas
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane

Buessing, Marjorie
Feuerstein, Martin
Houlahan, Thomas
Newland, Matthew
Shaw, Randall
Ward, Jay

Carter, Susan
Fillion, Paul
Johnson, Joyce May
Owen, Derek
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Battles, Marjorie
Christie, Andrew, Jr.
Crum, William, Jr.
Gargiulo, Louis
Johnson, Robert
Newman, Rick
Rosencrantz, James

Bell, Juanita
Clark, Martha
Dube, LeRoy
Hemenway, Thomas
Kane, Cecelia
O'Keefe, Patricia
Splaine, James

Boucher, William
Cote, Charles
Felch, Charles, Sr.
Hurst, Sharleene
Lee, Rebecca
Pantelakos, Laura
St. Martin, Tommy

Caswell, Albert, Jr.
Crossman, Harold, Jr.
Fesh, Robert
Hutchinson, Karen
McGovern, Cynthia
Raynowska, Bernard
Stritch, C. Donald

STRAFFORD

Brown, George
Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Rogers, Rose Marie
Wheeler, Katherine

Brown, Julie
Hambrick, Patricia
Loder, Suzanne
Merrill, Amanda
Snyder, Clair

Callaghan, Frank
Hemon, Roland
Lundborn, Raymond
Nehring, William
Sullivan, Henry

Chagnon, Ronald
Hilliard, Dana
McCann, William, Jr.
Pelletier, Arthur
Wall, Janet

SULLIVAN

Allison, David
Kane, Joan

Behrens, Thomas
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Flint, Gordon

NAYS 193**BELKNAP**

Bartlett, Gordon
Holbrook, Robert
Rice, Thomas, Jr.

Cain, Thomas
Johnson, Carl
Rosen, Ralph

Campbell, Richard, Jr.
Laflam, Robert
Turner, Robert

Golden, Paul
Lawton, David
Ziegra, Alice

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Wiggin, Allen

Beach, Mildred
Foster, Robert
Wiggin, Gordon

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Philbrick, Donald

CHESHIRE

Cole, Stacey
McNamara, Wanda
Royce, H. Charles

Delano, Robert
Metzger, Katherine
Smith, Edwin

Hunt, John
Pearson, Gertrude

Manning, Joseph
Robertson, Timothy

COOS

Foss, Frederic

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Hill, Richard
Teschner, Douglass
White, Paul

Bean, Pamela
Driscoll, William
LaMott, Paul
Trelfa, Richard

Brown, Alson
Eaton, Stephanie
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Channing
Gordon, Edward
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahlgren, Madelyn
Bergeron, Normand
Calawa, Leon, Jr.
Daigle, Robert
Durham, Susan
Ferguson, Charles
Holden, Carol
Jasper, Shawn
Lessard, Rudy
McRae, Karen
Morello, Michael
Perkins, Paul
Rodgers, G. Philip
Tate, Joan
Wright, George

Ahrens, Frederick
Borsa, Andrew
Cepaitis, Elizabeth
Desrosiers, William
Dyer, Merton
Franks, Suzan
Holley, Sylvia
Kelley, Dana
Lown, Elizabeth
Mercer, Robert
Morissette, Roland
Peters, Stanley
Sargent, Maxwell
Weergang, Alida

Amidon, Eleanor
Bowers, Dorothy
Chabot, Robert
Domaingue, Jacquelyn
Dykstra, Leona
Gosselin, Gerald
Holt, Mark
Kelley, Robert
Lozeau, DonnaLee
Mittelman, David
Packard, Bonnie
Record, Alice
Smith, Leonard
Wells, Peter, Sr.

Arnold, Barbara
Burke, M. Virginia
Cowenhoven, Garret
Drolet, Paul
Fenton, James
Greenberg, Gary
Hunter, Bruce
Laughlin, J. Francis
McCarty, Winston
Moore, Elizabeth
Pepino, Leo
Riley, Frances
Sullens, Joan
Wheeler, Robert

MERRIMACK

Chandler, Earle
Johnson, C. William
Nichols, Avis
Whittemore, James

Chandler, John
Kidder, William
Pfaff, Terence
Willis, Jack

Gilbreth, Robert
Langer, Ray
Stapleton, Henry

Holmes, Mary
Lockwood, Robert
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Campbell, Marilyn
Coes, Betsy
Dowd, Sandra
Flanders, John, Sr.
Katsakiores, Phyllis
MacDonald, Maurice
Noyes, Richard
Putnam, Ed, II
Senter, Marilyn
Syracusa, Anthony
Welch, David

Arndt, Janet
Case, Margaret
Conroy, Janet
Dowling, Patricia
Gage, Beverly
Klemarczyk, Thaddeus
Malcolm, Kenneth
Packard, Sherman
Ritzo, Eugene
Skinner, Patricia
Sytek, Donna
Weyler, Kenneth

Beaulieu, Jon
Chester, Sherman
Cote, Patricia
Flanagan, Natalie
Gorman, Donald
Klemm, Arthur, Jr.
McKinney, Betsy
Pratt, Katharin
Rubin, George
Smith, Arthur
Sytek, John
Williamson, William

Bove, Martin
Clark, Vivian
DiPietro, Carmela
Flanders, David
Katsakiores, George
Kruse, Fred
Moore, Benjamin
Pullman, Robert
Schanda, Joseph, Sr.
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

STRAFFORD

Douglass, Clyde
Knowles, William
Pageotte, Donald
Torr, Ralph

Dunlap, Patricia
McKinley, Robert
Spear, Barbara
Vincent, Francis

Hashem, Elaine
Merritt, Deborah
Torr, Ann
Wasson, Richard

Kincaid, William
Musler, George
Torr, Franklin

SULLIVAN

Domini, Irene
Rodeschin, Beverly

Holl, Ann
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

and the motion failed.
Report adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Ferguson moved that the House reconsider its action in reading a third time and passing **HB 190-FN**, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the two departments, and return the bill to second reading.

Reps. Channing Brown and Boucher spoke in favor.

Adopted and the bill was returned to second reading and referred to Appropriations.

RECESS

(Rep. Cole in the Chair)

SPECIAL ORDERS (Cont'd.)

HB 451-FN, regulating naturopathic health care practice. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sandra K. Dowd for the Majority of Executive Departments and Administration: The Committee recommended that **HB 451** be re-referred to committee with the express purpose of giving the proponents of the bill an opportunity to address a number of concerns expressed by the committee. The committee communicated these concerns during a meeting with all concerned parties in April. The provisions proposed by the bill were more broad than most laws regulating naturopaths in the few states that require regulation. A number of meetings have been held throughout the summer between the naturopaths and the medical profession to discuss the discrepancies between the professional requirements of each discipline. During a follow-up subcommittee work session held in October, the committee heard no evidence that any of the concerns expressed in April had been addressed. In fact, testimony was given that the naturopaths want to increase their scope of practice to include a formulary for the prescription of controlled substances, the authority to administer immunizations, take x-rays and perform minor surgery. The committee has seen no evidence that the education and training of a naturopath is comparable to that of a licensed physician, i.e. residency requirements, internships, admission requirements, faculty credentials and the accreditation process for educational institutions. Therefore, the committee does not feel that it is appropriate to apply the term "primary care physician" to a naturopath. There has been no testimony or documentation indicating that the public is in any danger in this area. Therefore we find that there is no justification for any limitation on public access to alternative health care. Naturopaths are currently permitted to practice in New Hampshire and considering that only a small number of naturopaths seek regulation, while a large number have been practicing in the state without incident for as many as 25 years, the committee voted 13-4 to recommend that this bill be found Inexpedient To Legislate. Vote 13-4.

Reps. Cynthia A. McGovern, Miriam D. Dunn, J. Gregory McGrath and Jon P. Beaulieu for the Minority of Executive Departments and Administration: House Bill 451 proposes to license naturopathic physicians. The bill's policy provisions have been debated and amended before Health, Human Services and Elderly Affairs subcommittees and twice passed that committee. The Minority believes that the licensing and policy requirements of the bill provide adequate protection for the general public and those who use naturopaths. The Minority

further believes that the committee, which should have dealt primarily with the bill's licensing provisions, spent an inordinate amount of time focusing on policy considerations. Therefore we recommend passage of HB 451.

Rep. McGovern moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. McGovern requested a quorum count. The Chair declared a quorum present.

Reps. McGovern, Carol Moore, and Katherine Wheeler spoke in favor and yielded to questions.

Reps. Dowd, Robert Foster and McRae spoke against.

Rep. Holmes spoke in favor.

Rep. Ward spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 194 - NAYS 156

YEAS 194

BELKNAP

Johnson, Carl	Laflam, Robert	Lawton, David	Rice, Thomas, Jr.
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CARROLL

Allard, Nanci	Bradley, Jeb	Cogswell, Richard	Dickinson, Howard, Jr.
Lyman, L. Randy	Philbrick, Donald		

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Foster, Katherine
Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Young, David			

COOS

Bradley, Paula	Hawkinson, Marie	Mayhew, Josephine	Mears, Edgar
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GRAFTON

Below, Clifton	Brown, Alson	Copenhaver, Marion	Crory, Elizabeth
Dow, David	Guest, Robert	Nordgren, Sharon	

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor	Arnold, Thomas, Jr.
Asselin, Robert	Bergeron, Normand	Borsa, Andrew	Buckley, Raymond
Burke, M. Virginia	Cepaitis, Elizabeth	Chabot, Robert	Clemons, Jane
Cote, David	Daigle, Robert	Desrosiers, William	Dodge, Emma
Donovan, Francis	Drabinowicz, A. Theresa	Drolet, Paul	Dwyer, Patricia
Fenton, James	Fields, Dennis	Foster, Linda	Gage, Ruth
Haettenschwiller, Alphonse	Hall, Betty	Hanselman, Gregory	Holley, Sylvia
Holt, David	Holt, Mark	Hunter, Bruce	Jean, Claudette
Johnson, Lionel	Kelley, Dana	Kirby, Thomas	L'Heureux, Robert
Lachut, Ervin	Laughlin, J. Francis	Lefebvre, Roland	Lessard, Rudy
Lozeau, Donnalee	Martin, Mary Ellen	Messier, Irene	Milligan, Robert
Morello, Michael	Morrisette, Roland	O'Rourke, Joanne	Paquette, Rodolphe
Peters, Stanley	Philbrook, Paula	Plourde, Alphonse	Reidy, Frank
Rothhaus, Finlay	Sargent, Maxwell	Smart, John	Soucy, Donna
Soucy, Richard	Sullens, Joan	Tate, Joan	Toomey, Kathryn
Upton, Barbara	Wells, Peter, Sr.	White, John	

MERRIMACK

Barberia, Richard	Braiterman, Thea	Buessing, Marjorie	Carter, Susan
Daneault, Gabriel	Dunn, Miriam	Feuerstein, Martin	Fillion, Paul

French, Barbara
Johnson, C. William
Mitchell, Vernon
Rogers, Katherine
Trombly, Rick
Yeaton, Charles

Hall, Douglas
Johnson, Joyce May
Moore, Carol
Shaw, Randall
Wallner, Mary Jane

Holmes, Mary
Kennedy, Richard
Newland, Matthew
Stapleton, Henry
Ward, Jay

Houlahan, Thomas
Kidder, William
Owen, Derek
Teague, Bert
Whittemore, James

ROCKINGHAM

Arndt, Janet
Caswell, Albert, Jr.
Crossman, Harold, Jr.
Flanagan, Natalie
McGovern, Cynthia
Pullman, Robert
Splaine, James
Weyler, Kenneth

Beaulieu, Jon
Christie, Andrew, Jr.
Crum, William, Jr.
Hurst, Sharleene
Newman, Rick
Raynowska, Bernard
St. Martin, Tommy

Bell, Juanita
Clark, Martha
DiPietro, Carmela
Johnson, Robert
O'Keefe, Patricia
Rosencrantz, James
Syracusa, Anthony

Case, Margaret
Coes, Betsy
Dowling, Patricia
Kane, Cecelia
Pantelakos, Laura
Rubin, George
Warburton, Calvin

STRAFFORD

Chagnon, Ronald
Hambrick, Patricia
Keans, Sandra
Lundborn, Raymond
Merrill, Amanda
Pageotte, Donald
Sullivan, Henry

Douglass, Clyde
Hashem, Elaine
Kincaid, William
McCann, William, Jr.
Merritt, Deborah
Pelletier, Arthur
Vincent, Francis

Dunlap, Patricia
Hemon, Roland
Knowles, William
McGrath, J. Gregory
Musler, George
Rogers, Rose Marie
Wall, Janet

Gilmore, Gary
Hilliard, Dana
Loder, Suzanne
McKinley, Robert
Nehring, William
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Domini, Irene

NAYS 156

BELKNAP

Bartlett, Gordon
Golden, Paul
Salatiello, Thomas

Cain, Thomas
Hawkins, Robert
Smith, Linda

Campbell, Richard, Jr.
Holbrook, Robert
Turner, Robert

Dewhirst, Glenn
Rosen, Ralph
Ziegler, Alice

CARROLL

Beach, Mildred
Saunders, Howard

Chandler, Gene
Wiggin, Allen

Foster, Robert
Wiggin, Gordon

Mock, Henry

CHESHIRE

Avery, Stephen

Delano, Robert

Manning, Joseph

Smith, Edwin

COOS

Burns, Harold
Merrill, Gerald

Coulombe, Henry
Pratt, Leighton

Foss, Frederic

Horton, Lynn

GRAFTON

Adams, Carl
Gordon, Edward
Rose, William
Wadsworth, Karen

Bean, Pamela
Hill, Richard
Scanlan, David
Ward, Kathleen

Brown, Channing
LaMott, Paul
Teschner, Douglass

Eaton, Stephanie
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Andrews, Frederick
Cowenhoven, Garret
Dykstra, Leona

Bagley, Amy
Crotty, Edward
Ferguson, Charles

Bowers, Dorothy
Durham, Susan
Franks, Suzan

Calawa, Leon, Jr.
Dyer, Merton
Gosselin, Gerald

Greenberg, Gary
Jean, Loren
McCarthy, Winston
Moore, Elizabeth
Pepino, Leo
Rodgers, G. Philip
Vanderlosk, Stanley

Healy, Daniel
Kelley, Robert
McRae, Karen
Murphy, Robert
Perkins, Paul
Sallada, Roland
Weergang, Alida

Holden, Carol
Leclerc, Charles
Mercer, Robert
Nardi, Theodora
Record, Alice
Searles, Stanley, Sr.
Wheeler, Robert

Jasper, Shawn
Lown, Elizabeth
Mittelman, David
Packard, Bonnie
Riley, Frances
Turgeon, Roland
Wright, George

MERRIMACK

Chandler, Earle
Lockwood, Robert
Whalley, Michael

Chandler, John
Nichols, Avis
Willis, Jack

Gilbreth, Robert
Pfafl, Terence

Langer, Ray
Regan, Maurice

ROCKINGHAM

Aranda, M. Kathryn
Buco, Stephen
Conroy, Janet
Drake, Herbert
Flanders, David
Gorman, Donald
Katsakiores, Phyllis
Lee, Rebecca
Moore, Benjamin
Putnam, Ed, II
Skinner, Patricia
Sytek, Donna
Yennaco, Carol

Battles, Marjorie
Campbell, Marilyn
Cote, Charles
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Klemarczyk, Thaddeus
MacDonald, Maurice
Noyes, Richard
Ritzo, Eugene
Smith, Arthur
Sytek, John

Boucher, William
Chester, Sherman
Cote, Patricia
Felch, Charles, Sr.
Gage, Beverly
Hutchinson, Karen
Klemm, Arthur, Jr.
Malcolm, Kenneth
Packard, Sherman
Schanda, Joseph, Sr.
Stone, Joseph
Welch, David

Bove, Martin
Clark, Vivian
Dowd, Sandra
Fesh, Robert
Gargiulo, Louis
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Pratt, Katharin
Senter, Marilyn
Stritch, C. Donald
Williamson, William

STRAFFORD

Brown, Julie
Torr, Franklin

Callaghan, Frank
Torr, Ralph

Spear, Barbara
Wasson, Richard

Torr, Ann

SULLIVAN

Behrens, Thomas
Peyron, Fredrik

Holl, Ann
Rodeschin, Beverly

Kane, Joan
Schothanus, Merle

Lindblade, Eric

and the motion was adopted.

Reps. Katherine Wheeler and Holmes offered a floor amendment.

Amendment (4491B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Naturopathic Health Care Practice. Amend RSA by inserting after chapter 328-D the following new chapter:

CHAPTER 328-E

NATUROPATHIC HEALTH CARE PRACTICE

328-E:1 Findings and Purpose.

I. The general court finds that a significant number of New Hampshire residents choose naturopathic medicine for their health care needs and declares that naturopathic medicine is a distinct health care profession that affects the public health, safety and welfare, and provides for freedom of choice in health care.

II. The purpose of this chapter is:

(a) To provide standards for the licensure and regulation of doctors of naturopathic medicine in order to protect the public health, safety and welfare.

(b) To insure that naturopathic medicine by qualified doctors of naturopathic medicine is available to the people of New Hampshire.

(c) To provide a means of identifying qualified doctors of naturopathic medicine.

328-E:2 Definitions. In this chapter:

I. "Acupuncture" means the insertion of acupuncture needles into specific points on the skin to treat human disease and impairment and to relieve pain.

II. "Approved naturopathic medical college" means a college or program granting the degree of doctor of naturopathic medicine or doctor of naturopathy that is approved by the board and which:

(a) Is accredited by the Council of Naturopathic Medical Education or other accrediting agency recognized by the federal government.

(b) Has candidate for accreditation status with such agency.

(c) Has been investigated by the board and found to meet education standards equivalent to those established by such agency.

III. "Board" means the naturopathic board of examiners established under RSA 328-E:7.

IV. "Doctor of naturopathic medicine" means a person authorized and licensed to practice naturopathic medicine under this chapter.

V. "Homoeopathic preparations" means medicines prepared according to the Homoeopathic Pharmacopoeia of the United States.

VI. "Minor surgery" means the use of operative, electrical or other methods for the surgical repair and care incidental to superficial lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial tissues and the use of antiseptics and local anesthetics in connection with such methods, except that it shall not include general or spinal anesthetics, major surgery, surgery of the body cavities, or specialized surgeries such as plastic surgery, surgery involving the eye, or surgery when tendons are involved.

VII. "Natural antibiotics" means antimicrobial, antifungal, and antiprotozoal agents that are naturally occurring substances, or manufactured substances that are substantially identical to such naturally occurring substances.

VIII. "Naturopathic childbirth" means natural childbirth which includes the use of natural obstetrical medicines, ophthalmic antibiotics, obstetrical emergency medicines and minor surgery including episiotomies, but which does not include the use of forceps delivery, general or spinal anesthesia, cesarean section, or induced abortions.

IX. "Naturopathic manipulative therapy" means the manually administered, mechanical treatment of body structures or tissues, in accordance with naturopathic principles, for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body.

X. "Naturopathic medicine" means a system of primary health care practiced by doctors of naturopathic medicine for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes.

XI. "Naturopathic physical medicine" means the therapeutic use of the physical agents of air, water, heat, cold, sound, light, and electromagnetic non-ionizing radiation and the physical modalities of electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic manipulative therapy, and therapeutic exercise.

XII. "Topical medicines" means topical analgesics, anesthetics, antiseptics, scabicides, antifungals, and antibacterials.

328-E:3 License Required; Licensee Title.

I. No persons shall practice or represent themselves as practicing naturopathic medicine in this state without first applying for and receiving a license from the board to practice naturopathic medicine.

II. Licensees shall use the title "doctor of naturopathic medicine" and the recognized abbreviation "N.D." Doctors of naturopathic medicine shall have the exclusive right to use of the terms: "doctor of naturopathic medicine," "naturopathic doctor," "naturopath," "doctor of naturopathy," "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care," "naturopathy," "N.D.," and "N.M.D."

III. Persons who represent themselves as doctors of naturopathic medicine are those who adopt or use any title or any description of services that uses one or more of the terms listed in paragraph II of this section.

328-E:4 Scope of Practice.

I. Doctors of naturopathic medicine shall be authorized to use for preventive and therapeutic purposes the following natural medicines and therapies: food, food extracts, vitamins, minerals, enzymes, digestive aids, whole gland thyroid, plant substances, homoeopathic preparations, natural antibiotics, immunizations, topical medicines, counseling, hypnotherapy, bio-feedback, dietary therapy, naturopathic physical medicine, therapeutic devices, barrier devices for contraception, and minor surgery.

II. Doctors of naturopathic medicine may use for diagnostic purposes physical and orificial examinations, X-rays, electrocardiograms, ultrasound, phlebotomy, clinical laboratory tests and examinations, and physiological function tests.

III. Doctors of naturopathic medicine may prescribe nonprescription medications and therapeutic devices or use noninvasive diagnostic procedures commonly used by medical practitioners in general practice.

IV. Doctors of naturopathic medicine shall not:

(a) Prescribe, dispense, or administer any controlled substances, except those natural medicines authorized by this chapter.

(b) Perform surgical procedures except those procedures, authorized by this chapter.

(c) Practice emergency medicine, except as a good samaritan rendering gratuitous services in the case of emergency and except for the care of minor injuries.

(d) Practice or claim to practice medicine and surgery, osteopathy, dentistry, podiatry, optometry, chiropractic, physical therapy, or any other system or method of treatment not authorized in this chapter.

328-E:5 Exemptions.

I. Nothing in this chapter shall be construed to prohibit or to restrict:

(a) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state who are performing services within their authorized scope of practice.

(b) The practice of naturopathic medicine by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States.

(c) The practice by a doctor of naturopathic medicine duly registered or licensed in another state, territory, or the District of Columbia when incidentally called into this state for consultation with a licensed physician.

(d) The practice of naturopathic medicine by students enrolled in an approved naturopathic medical college. The performance of services shall be pursuant to a course of instruction or assignments from an instructor and under the supervision of the instructor. The instructor shall be a doctor of naturopathic medicine licensed pursuant to this chapter.

(e) Residents of this state who are of legal majority and who have held themselves out as a naturopath or a doctor of naturopathic medicine prior to July 1, 1991, from being licensed under this chapter if they:

(1) Are not licensed, certified, or registered as a health care provider under any other law of this state.

(2) Derive the majority of their earned income from the practice of naturopathic medicine.

(3) Apply for a license in a manner prescribed by the board on or before March 1, 1995.

II. Persons licensed pursuant to RSA 328-E:5, I(e) shall:

(a) Be subject to all eligibility requirements to practice naturopathic medicine pursuant to RSA 328-E:9, except that they shall be exempt from RSA 328-E:9, I(a).

(b) Practice naturopathic medicine within a scope of practice which reflects the limits of their training and experience as determined and approved by the board.

328-E:6 Public Health Authority and Responsibility. Doctors of naturopathic medicine shall have the same authority and responsibility as other medical practitioners regarding public

health laws, reportable diseases and conditions, communicable disease control and prevention, recording of vital statistics, health and physical examinations, and local boards of health, except that such authority shall be limited to activity consistent with the scope of practice authorized by this chapter.

328-E:7 Naturopathic Board of Examiners.

I. There shall be a naturopathic board of examiners consisting of the following members:

(a) Four doctors of naturopathic medicine appointed by the governor, who shall be:

(1) Two persons who have been practitioners in this state for 3 years immediately preceding such appointment.

(2) A doctor of naturopathic medicine who has been engaged in the practice of naturopathic medicine in this state, under licensure issued in this state, for 3 years immediately preceding appointment, except for the initial period of 3 years following enactment of this chapter.

(3) A graduate of an approved naturopathic college.

(b) One public member appointed by the governor, who shall:

(1) Be of legal age of majority.

(2) Be a resident of this state for 5 years immediately preceding such appointment.

(3) Not be connected, in any manner, with or have any interest in a school of medicine, health care institution or any person practicing any form of healing or treatment of bodily or mental ailments.

(4) Demonstrate an interest in the health problems in this state.

II. The terms of office shall be 5 years for all board members. The initial board appointees shall consist of one doctor of naturopathic medicine for a term of 5 years, one doctor of naturopathic medicine for a term of 4 years, one doctor of naturopathic medicine for a term of 3 years, one doctor of naturopathic medicine for a term of 2 years, and one public member for a term of 5 years. A member may be removed from office by the governor if the governor finds the member was guilty of malfeasance, misfeasance or dishonorable conduct.

III. There shall be no monetary liability on the part of and no cause of action shall arise against the members of the board, or personnel of the board, for any act done or proceeding undertaken or performed in good faith and in furtherance of the purposes of this chapter.

IV. The board shall hold a meeting at least semi-annually. In addition, the board may hold special meetings as it deems necessary.

V. Three members of the board constitute a quorum for the transaction of business.

VI. The board shall serve without pay.

VII. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

328-E:8 Powers and Duties of the Board.

I. The board shall:

(a) Determine fees for licensure, for application to take the examination pursuant to RSA 328-E:9, I(f) and RSA 332-G:2, and for license renewal under RSA 328-E:12.

(b) Insure that doctors of naturopathic medicine serving the public meet minimum standards of proficiency and competency to protect the health, safety and welfare of the public.

(c) Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the board under the authority granted in this chapter.

(d) Maintain an accurate account of all receipts, expenditures and refunds granted under this chapter.

(e) Maintain a record of its acts and proceedings, including the issuance, refusal, renewal, suspension or revocation of licenses.

(f) Maintain a roster of all doctors of naturopathic medicine licensed under this chapter which indicates:

(1) The name of the licensee.

(2) Current professional office address.

(3) The date of issuance and the number of the licensee's license.

(4) Whether the licensee is in good standing.

(g) Keep all applications for licensure as a permanent record.

- (h) Maintain a permanent record of the results of all examinations it gives.
- (i) Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations.
- (j) Keep the records of the board open to public inspection at all reasonable times.
- (k) Adopt and use a seal, the imprint of which, together with the signatures of the chairman or vice-chairman and the secretary-treasurer of the board, shall evidence its official acts.

(l) Annually compile and publish a directory.

II. The board may appoint qualified personnel to administer any part or all of any examination provided for under this chapter.

III. The board shall have the power to subpoena witnesses and administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of papers and records.

IV. Witnesses summoned before the board shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons shall have the same effect as though issued for appearance before such court.

328-E:9 Qualification for Licensure.

I. To be eligible for a license to practice naturopathic medicine, the applicant shall:

(a) Be a graduate of a naturopathic medical college which is accredited by the Council on Naturopathic Medical Education or another such accrediting agency recognized by the federal government; and pass a competency-based examination prescribed by the board covering the appropriate naturopathic subjects; or,

(b) Be a graduate of a naturopathic medical college which has been approved by the board as having appropriate education standards for naturopathic medical programs which granted degrees prior to 1981.

(c) Possess a good moral and professional reputation.

(d) Be physically and mentally fit to practice naturopathic medicine.

(e) Have had no license, certification, or registration to practice naturopathic medicine refused, revoked or suspended by any other state or country for reasons which relate to the applicant's ability to skillfully and safely practice naturopathic medicine.

(f) File an application and pay the license fees.

II. To obtain a license to practice naturopathic medicine by reciprocity, the applicant shall:

(a) Qualify under paragraph I, except that no written examination shall be required.

(b) Be licensed, certified, or registered by another state or the District of Columbia to practice naturopathic medicine which requires a written examination which is substantially equivalent to the written examination required by the board of this state.

328-E:10 Rulemaking.

I. The board shall adopt rules under RSA 541-A relative to:

(a) The practice of naturopathic health care.

(b) Naturopathic medical assistants who assist doctors of naturopathic medicine, including the qualifications of naturopathic medical assistants who are not otherwise licensed by law.

(c) Further requirements, as necessary, of doctors of naturopathic medicine for specialty practice, as required under RSA 328-E:11.

(d) The formulary approved by the council on doctors of naturopathic medicine formulary under RSA 328-E:15, III.

(e) Any other rules which are necessary or proper for the administration of this chapter.

II. The board may adopt rules under RSA 541-A prescribing continuing education requirements for the renewal of licenses issued under this chapter.

328-E:11 Naturopathic Childbirth or Acupuncture Specialty Certification.

I. No doctor of naturopathic medicine shall practice naturopathic childbirth or acupuncture without first obtaining a certificate of specialty practice. The board shall adopt rules under RSA 541-A for the certification of doctors of naturopathic medicine for specialty practice.

II. To be certified in naturopathic childbirth, a doctor of naturopathic medicine shall be required to:

(a) Pass a specialty examination in obstetrics or natural childbirth approved by the board.

(b) Have at least 100 hours of course work, internship or preceptorship in obstetrics or natural childbirth approved by the board.

(c) Have participated in 40 supervised births, including prenatal and postnatal care, under the direct supervision of a licensed naturopathic, medical or osteopathic physician with specialty training in obstetrics or natural childbirth. The board may prescribe a national standardized examination in naturopathic childbirth as constituting the specialty examination.

(d) Meet the American College of Naturopath Obstetricians (ACNO) standards for childbirth.

III. To be certified in acupuncture, a doctor of naturopathic medicine shall be required to complete a program in acupuncture approved by the board that includes at least 500 hours of training in acupuncture, including both didactic and clinical training, and pass a specialty examination in acupuncture approved by the board. The board may prescribe a national standardized examination in acupuncture as constituting the specialty examination.

328-E:12 License Renewal and Continuing Education.

I. The license to practice naturopathic medicine shall be renewed biennially. A fee in the amount determined by the board shall accompany the application for renewal.

II. As a condition of renewal of license, the board shall require each licensee to show proof at least every 3 years that the licensee has completed an approved continuing naturopathic medical education program within the preceding 3 years. For the purposes of this section an "approved continuing naturopathic medical education program" means a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national or state naturopathic medical society or college or university and approved by the board.

328-E:13 Enforcement and Penalties.

I. Persons not licensed pursuant to this chapter who hold themselves out as a doctor of naturopathic medicine, or suggest in any way that they practice naturopathic medicine, shall be guilty of a misdemeanor for each offense. Any person violating this paragraph may be enjoined by the superior court on petition by the board.

II. Persons licensed pursuant to this chapter who engage in the practice of naturopathic medicine without complying with this chapter shall be subject to disciplinary measures and may be subject to refused renewal, limitation, revocation, or suspension of their license.

328-E:14 Administration. The director, division of public health services, department of health and human services, shall provide administrative services to the board created under this chapter. All administrative services shall be a cost to the board and shall be reimbursed by fees collected by the board under RSA 328-E:8, I(a).

328-E:15 Council on Doctors of Naturopathic Medicine Formulary; Members; Duties.

I. The council on doctors of naturopathic medicine formulary is established and shall consist of the following members:

(a) One member of the naturopathic board of examiners, appointed by the naturopathic board of examiners.

(b) One doctor licensed by the naturopathic board of examiners, appointed by the naturopathic board of examiners.

(c) One physician licensed by the board of registration in medicine under RSA 329, appointed by the board of registration in medicine.

(d) One pharmacist licensed by the state pharmacy board, appointed by the state pharmacy board.

(e) One additional member, who holds an advanced degree in either pharmacology or pharmacognosy, appointed by the council.

II. The chair of the council shall be elected by a majority of the members.

III. The council established under paragraph I of this section shall determine the substances to be included in the formulary that may be prescribed by a doctor of naturopathic medicine acting under this chapter. The council shall review the formulary periodically. Immediately upon adoption or revision of the formulary, the council shall transmit the approved formulary to the board which shall adopt the formulary by rule. When determined to be ap-

propriate to the scope of practice of doctors of naturopathic medicine the council on doctors of naturopathic medicine formulary may also consider synthetically-produced substances and their salts having an identical or substantially identical molecular structure to a plant or animal substance as found in nature to be plant or animal substances.

IV. The term of each member of the council shall be 2 years. A member shall serve until a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as the retiring member.

328-E:16 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill provides for the licensure of doctors of naturopathic medicine and:

- (a) Delineates license and license renewal criteria.
- (b) Sets forth the scope of practice.
- (c) Establishes the naturopathic board of examiners.
- (d) Sets forth the powers and duties of the board, including rulemaking authority.
- (e) Provides for certification for naturopathic childbirth and acupuncture.
- (f) Provides for enforcement and penalties under the chapter.
- (g) Establishes the council on doctors of naturopathic medicine formulary and sets forth its duties.

Adopted.

Report adopted and ordered to third reading.

HB 519-FN, making technical changes in the mental health laws and relative to persons providing active care services. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen W. Ward for Executive Departments and Administration: By re-referring this proposal, the committee felt it could resolve questions of additional pay for Security Staff of the State Hospital and repeal some obsolete RSAs that remain on the books. We were unwilling to create a potential police force on the hospital grounds and we did not want to interfere in rulings of the Personnel Department and/or address negotiable items for labor and management. This was the wrong bill at the wrong time, i.e. long range planning for the entire complex on the hospital grounds of Office Park South is ongoing with a special joint committee. Vote 15-2.

Rep. Dunn moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Boucher and Ward spoke against.

On a division vote, 121 members having voted in the affirmative and 215 in the negative, the motion failed.

Report adopted.

REGULAR CALENDAR-PART II (Cont'd.)

HB 458-FN-L, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Alice S. Ziegler for the Majority of Health, Human Services and Elderly Affairs: After extensive hearings early in the year, the bill was re-referred. The bill had a lengthy hearing at which time it was felt that though it was narrow in scope, it contained an important policy change. Those who have been helped by Welfare, given jobs then quit voluntarily without good cause may not be eligible for local welfare for a maximum of 90 days. Money saved is not a major consideration but the policy principle is. Families with children and those physically or mentally disabled are exempt. Vote 6-5.

Reps. Marion L. Copenhagen, Mary C. Holmes, Patricia M. O'Keefe, Cecelia D. Kane and Barbara C. French for the Minority of Health, Human Services and Elderly Affairs: The bill, as amended, is poorly drafted and many deserving persons in need of assistance will be de-

nied their last resort for help with food and shelter if it becomes law. The bill has been promoted as necessary to prevent abuse of the system, but it goes way beyond disqualifying those who attempt to abuse the system by quitting their jobs in order to live off local welfare. It denies food and shelter for 90 days to anyone who, in the judgment of the welfare officer, quit a job prior to applying for assistance without a good reason. It requires the welfare officer, for the first time, to condition assistance on what is in essence a moral judgment about whether the applicant might have been at fault in bringing about his need. In addition, because of poor drafting, it requires the welfare officer to deny assistance to persons who have some capacity to work but who quit a job due to a partial mental or physical disability, and it does not provide for an adequate appeals process and other necessary protections for those who are improperly denied. Even the proponents of the bill admit that it will not save much money. Indeed, no evidence was submitted that there are significant numbers of people who quit their job in order to live off local welfare. Because of the gravity of the change that this bill would make and the flaws in the bill as drafted, the minority believes that the bill should be referred for interim study.

Amendment (4054B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring a waiting period for applicants for public assistance
who terminate their employment voluntarily
without a good cause.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Eligibility for Assistance. Amend RSA 165 by inserting after section I-c the following new section:

165:1-d Employment; Voluntary Termination.

I. Any person eligible for assistance under this chapter, who voluntarily terminated employment without good cause within the 60-day period before filing an application for assistance, shall be ineligible to receive assistance for 90 days from the date of employment termination, if such person had received public assistance under this chapter within the last 365 days. The provisions of this section relating to voluntary termination of employment shall apply to work involving at least 20 hours or more per week. Such person shall remain ineligible for the full 90 days, or until comparably reemployed, in terms of work hours as when such person was last employed, prior to eligibility disqualification. Re-employment must consist of a minimum of 20 hours weekly.

II. Failure to report for a job without any demonstrated good cause, which resulted in the termination of the applicant's employment, shall be considered voluntary termination of employment.

III. An applicant who is fired or resigns from a job at the demand of the employer, due to lack of ability to maintain the employer's normal work productivity standard, shall not be considered a voluntary termination of employment.

IV. Nothing in this section shall be construed to deny to any otherwise eligible household legally responsible for supporting minor or dependent children in that household any needed support to which such household would otherwise be entitled.

V. Nothing in this section shall be construed to deny to any otherwise eligible applicant, needed assistance, if such applicant is mentally or physically disabled and therefore unable to work as determined by the overseers of public welfare.

VI. Good cause for terminated employment shall be defined as any of the following:

(a) Demonstrable discrimination by an employer based on age, race, sex, color, physical or mental disability, religion, national origin, or political beliefs.

(b) Work demands or conditions that demonstrably render continued employment unreasonable.

(c) Resignation by a person under 62 years of age which is recognized by the employer as retirement.

(d) Employment which becomes demonstrably unsuitable, following the applicant's acceptance of such employment.

(e) Acceptance of a bonafide job offer, which, because of demonstrated circumstances beyond the control of the applicant, subsequently does not materialize or results in employment of fewer than 20 hours per week, at less than the state or federal hourly minimum wage or 80 per cent thereof, for work exempt from minimum wage regulatory standards. However, the applicant must maintain a minimum weekly employment of at least 20 hours per week, for 2 successive weeks, in order to reinstate applicant eligibility prior to 90 days following a voluntary employment termination which lacked good cause.

(f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.

(g) Loss of a job for good cause, as determined by the overseer of public welfare.

VII. No person shall be deemed ineligible for assistance due to a voluntary employment termination, unless he has been given a written notice stating the specific actions which must be taken in order to reinstate eligibility, along with a written notice of the opportunity to request a hearing within 5 days.

VIII. The overseers of public welfare shall not be required to accept an application for general assistance from a person who is subject to disqualification under this section, provided, however, if there is subsequently a dispute over a contention by the applicant that he has satisfactorily complied with the requirements set forth in the written notice provided for in paragraph III, the applicant shall be given an opportunity to request a hearing to determine that particular issue only.

IX. The provisions of RSA 165:1-b, II-VII shall not apply to persons found ineligible for assistance under this section because of voluntary termination of employment without good cause.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires a person applying for public assistance to wait 90 days if that person terminated employment voluntarily without good cause.

Adopted.

Rep. Copenhagen moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Reps. Katharin Pratt and Wadsworth spoke against.

Reps. Nardi and Carol Moore spoke in favor and yielded to questions.

Rep. Ziegler spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 115 NAYS 215

YEAS 115

BELKNAP

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Riley, William

Burnham, Daniel
Kingsbury, H. Thayer
Robertson, Timothy

DePecol, Benjamin
McGuirk, Paul

Delano, Robert
Richardson, Barbara

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Copenhagen, Marion
Nordgren, Sharon

Crory, Elizabeth

Dow, David

Guest, Robert

HILLSBOROUGH

Ahern, Richard
Bowers, Dorothy
Crotty, Edward
Dwyer, Patricia
Gosselin, Gerald
Healy, Daniel
Laughlin, J. Francis
Pepino, Leo
Reidy, Frank
Turgeon, Roland

Allen, W. Gordon
Buckley, Raymond
Daigle, Robert
Fenton, James
Haettenschwiller, Alphonse
Jean, Claudette
Morrissette, Roland
Perkins, Paul
Smart, John
White, John

Andrews, Frederick
Clemons, Jane
Desrosiers, William
Fields, Dennis
Hall, Betty
Johnson, Lionel
Nardi, Theodora
Philbrook, Paula
Soucy, Donna
Wright, George

Asselin, Robert
Cote, David
Drabinowicz, A. Theresa
Foster, Linda
Hanselman, Gregory
Kirby, Thomas
O'Rourke, Joanne
Plourde, Alphonse
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Holmes, Mary
Owen, Derek
Ward, Jay

Daneault, Gabriel
Houlahan, Thomas
Rogers, Katherine
Yeaton, Charles

Dunn, Miriam
Johnson, Joyce May
Teague, Bert

French, Barbara
Moore, Carol
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Hurst, Sharleene
MacDonald, Maurice
Ritzo, Eugene
Syracusa, Anthony

Boucher, William
Crum, William, Jr.
Johnson, Robert
McGovern, Cynthia
Smith, Arthur

Caswell, Albert, Jr.
Dowling, Patricia
Kane, Cecelia
O'Keefe, Patricia
Splaine, James

Clark, Martha
Flanagan, Natalie
Klemarczyk, Thaddeus
Pantelakos, Laura
St. Martin, Tommy

STRAFFORD

Gilmore, Gary
Loder, Suzanne
Merritt, Deborah
Rogers, Rose Marie
Wheeler, Katherine

Hambrick, Patricia
McCann, William, Jr.
Pageotte, Donald
Snyder, Clair

Hemon, Roland
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

Kincaid, William
Merrill, Amanda
Pelletier, Marsha
Wall, Janet

SULLIVAN

Burling, Peter

Flint, Gordon

Kane, Joan

Stamatakis, Carol

NAYS 215**BELKNAP**

Bartlett, Gordon
Golden, Paul
Laflam, Robert
Salatiello, Thomas
Ziegler, Alice

Cain, Thomas
Hawkins, Robert
Lawton, David
Smith, Linda

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph
Young, Niel

CARROLL

Allard, Nanci
Cogswell, Richard
Saunders, Howard

Beach, Mildred
Foster, Robert
Wiggin, Allen

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Philbrick, Donald

CHESHIRE

Avery, Stephen
McNamara, Wanda
Russell, Ronald

Hunt, John
Metzger, Katherine
Smith, Edwin

Lynch, Margaret
Pearson, Gertrude

Manning, Joseph
Royce, H. Charles

COOS

Burns, Harold
Pratt, Leighton

Foss, Frederic

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Gordon, Edward
Scanlan, David
Ward, Kathleen

Bean, Pamela
Hill, Richard
Teschner, Douglass
White, Paul

Below, Clifton
Larson, Nils, Jr.
Trelfa, Richard

Brown, Alson
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Amidon, Eleanor
Bergeron, Normand
Cepaitis, Elizabeth
Drolet, Paul
Ferguson, Charles
Holden, Carol
Hunter, Bruce
Kelley, Robert
Lown, Elizabeth
McRae, Karen
Mittelman, David
Peters, Stanley
Sallada, Roland
Sullens, Joan
Weergang, Alida

Arnold, Barbara
Borsa, Andrew
Chabot, Robert
Durham, Susan
Franks, Suzan
Holley, Sylvia
Jasper, Shawn
L'Heureux, Robert
Lozeau, Donnalee
Mercer, Robert
Morello, Michael
Riley, Frances
Sargent, Maxwell
Tate, Joan
Wells, Peter, Sr.

Arnold, Thomas, Jr.
Burke, M. Virginia
Cowenhoven, Garret
Dyer, Merton
Gage, Ruth
Holt, David
Jean, Loren
Lachut, Ervin
Martin, Mary Ellen
Messier, Irene
Murphy, Robert
Rodgers, G. Philip
Searles, Stanley, Sr.
Upton, Barbara
Wheeler, Robert

Bagley, Amy
Calawa, Leon, Jr.
Dodge, Emma
Dykstra, Leona
Greenberg, Gary
Holt, Mark
Kelley, Dana
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Packard, Bonnie
Rothhaus, Finlay
Soucy, Richard
Vanderlosk, Stanley

MERRIMACK

Barberia, Richard
Chandler, John
Kennedy, Richard
Mitchell, Vernon
Shaw, Randall
Willis, Jack

Buessing, Marjorie
Feuerstein, Martin
Kidder, William
Newland, Matthew
Stapleton, Henry

Carter, Susan
Fillion, Paul
Langer, Ray
Nichols, Avis
Whalley, Michael

Chandler, Earle
Johnson, C. William
Lockwood, Robert
Pfaff, Terence
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Chester, Sherman
Cote, Charles
Dowd, Sandra
Flanders, David
Hemenway, Thomas
Klemm, Arthur, Jr.
McKinney, Betsy
Putnam, Ed, II
Schanda, Joseph, Sr.
Stritch, C. Donald
Welch, David

Arndt, Janet
Bucco, Stephen
Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert
Flanders, John, Sr.
Hutchinson, Karen
Kruse, Fred
Packard, Sherman
Raynowska, Bernard
Senter, Merilyn
Sytek, Donna
Weyler, Kenneth

Battles, Marjorie
Campbell, Marilyn
Clark, Vivian
Crossman, Harold, Jr.
Felch, Charles, Sr.
Gage, Beverly
Katsakiores, George
Lee, Rebecca
Pratt, Katharin
Rosencrantz, James
Skinner, Patricia
Sytek, John
Williamson, William

Beaulieu, Jon
Case, Margaret
Conroy, Janet
DiPietro, Carmela
Fesh, Robert
Gorman, Donald
Katsakiores, Phyllis
Malcolm, Kenneth
Pullman, Robert
Rubin, George
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

STRAFFORD

Brown, Julie
Dunlap, Patricia
Knowles, William
Torr, Ann

Callaghan, Frank
Hashem, Elaine
McKinley, Robert
Torr, Franklin

Chagnon, Ronald
Hilliard, Dana
Nehring, William
Vincent, Francis

Douglass, Clyde
Keans, Sandra
Spear, Barbara
Wasson, Richard

SULLIVAN

Allison, David
Holl, Ann
Rodeschin, Beverly

Behrens, Thomas
Lindblade, Eric
Schotanus, Merle

Cloutier, John
Palmer, Lorraine

Domini, Irene
Peyron, Fredrik

and the motion failed.

Report adopted and ordered to third reading.

(Speaker Burns in the Chair)

HB 285, establishing a study committee to review treatment by the court system of women and children in marital and domestic violence disputes. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Judiciary: The subject matter to be studied under House Bill 285 is redundant to a study of domestic violence being done by the New Hampshire court system. Vote 14-1.

Adopted.

HB 395, relative to death with dignity for certain persons suffering terminal illness. **REFER FOR INTERIM STUDY**

Rep. Benjamin J. DePecol for Judiciary: The New Hampshire Medical Society is currently studying the ethics and legality pertaining to this issue and the committee would like to review that study before making a final disposition on this bill. Vote 11-5.

Adopted.

Rep. Healy wished to be recorded against the Committee Report.

HB 660-FN, relative to drug forfeiture. **OUGHT TO PASS WITH AMENDMENT**

Rep. Benjamin J. DePecol for Judiciary: The bill requires that individuals be convicted before they are forced to forfeit property to the state. The bill limits administrative forfeiture to \$10,000. The bill allows civil forfeiture after a conviction. The state's burden of proof in these instances shall be by a preponderance of the evidence. The bill also requires that any property forfeited be just and not excessive in relation to the underlying criminal offense. Vote 10-7.

Amendment (3898B)

Amend the bill by replacing all after the enacting clause with the following:

1 Limitations on Items Subject to Drug Forfeiture. RSA 318-B:17-b, III is repealed and reenacted to read as follows:

III. The court may order forfeiture of all items or property interests subject to the provisions of paragraph I, except as follows:

(a) No item or property interest shall be subject to forfeiture unless:

(1) its owner was convicted of a felonious violation of this chapter and used such item or property in connection with a felonious violation of this chapter;

(2) it was acquired with the proceeds from a felonious violation of this chapter; or

(3) the owner was given notice and failed to object.

(b) No interest in property, whether real or personal, shall be subject to forfeiture unless the effect of that forfeiture is both just and not excessive in relation to the underlying criminal offense. In making this determination, the finder of fact shall consider such things as the quantity and value of the controlled drugs alleged to be related to the property, the manner and circumstances of the felonious violation of this chapter for which the party was convicted, the impact of the forfeiture on the person or persons having an interest in the property, and the impact of the forfeiture on the family, dependants and community connected to the property.

2 Forfeiture Proceedings Modified. Amend RSA 318-B:17-b, IV to read as follows:

IV.(a) The department of justice may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests [subject to forfeiture under the provisions of this section] *of the person whose interest in the property is to be forfeited upon conviction of a felonious violation of this chapter*. Such petition shall be filed in the court having jurisdiction over [any related] *the* criminal proceedings [which could be] brought under this chapter.

(b) Such proceeding shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence [and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception].

(c) *Upon conviction of a party of a felonious violation under this chapter which gave rise to the forfeiture petition*, the court shall issue orders of notice to all persons who have a recorded interest or claim an equitable interest in said items or property interests seized under this chapter and shall schedule a hearing on the petition to be held within 90 days of the return date on said petition.

(d) [At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding.

(e)] At the hearing, the court shall hear evidence and make findings of fact and conclusions of law and shall, thereupon, make a final order, from which all parties shall have a right of appeal.

3 Administrative Forfeiture Limited. Amend RSA 318-B:17-d, I to read as follows:

I. Interests in property subject to forfeiture under the provisions of RSA 318-B:17-b, subparagraphs I(a), I(b), I(c) excepting proceeds and I(d), but not real property, shall be subject to administrative forfeiture by the department of justice provided that the total amount or value of such property does not exceed [\$75,000] *\$10,000 and provided that the owner has been convicted of a felonious violation of this chapter.* The provisions of RSA 318-B:17-b shall apply in any case of administrative forfeiture except as otherwise provided in this section.

4 New Sections; Forfeiture Report. Amend RSA 318-B by inserting after section 17-d the following new sections:

318-B:17-e Forfeiture Reports. The attorney general shall submit a biennial report to the governor, senate president, and speaker of the house relative to the seizure of any items or property interests under RSA 318-B:17-b. Such report shall include:

I. A full and complete description of any items or property interests seized including the property's location and value.

II. The name and address of all known persons having a legal or equitable interest in the property.

III. Any findings of fact relative to the justice of the forfeiture as determined under RSA 318-B:17-b, IV(e).

The attorney general has the authority to exclude any information which would reveal the identity of an informant.

318-B:17-f Forfeiture Under State or Federal Law. Any law enforcement agency or officer having discretion to proceed for forfeiture either under RSA 318-B:17-b or under appropriate provisions of federal law shall proceed under state law provisions.

5 Study Committee Established.

I. There is hereby established a committee to study the feasibility of state criminal forfeiture law which would include a transition from civil to criminal forfeiture.

II. The committee shall consist of the following members:

(a) 2 members of the house judiciary committee.

(b) 2 members of the senate judiciary committee.

(c) The attorney general, or designee.

(d) One member of the public, appointed by the governor.

(e) One attorney experienced in criminal matters, appointed by the New Hampshire Bar Association.

(f) One representative of the New Hampshire Police Chiefs Association, appointed by the association.

(g) One representative of the New Hampshire American Civil Liberties Union, appointed by the organization.

III. The committee shall submit a report, including recommendations for legislation, to the speaker of the house, senate president, and governor no later than November 1, 1994.

6 Effective Date. This act shall take effect January 1, 1995.

Rep. Lown spoke against.

The amendment failed.

The Committee offered a floor amendment.

Floor Amendment (4479B)

Amend the bill by replacing all after the enacting clause with the following:

1 Forfeiture; Knowledge of Owner. Amend RSA 318-B:17-b, III(a) to read as follows:

(a) No item or property interest shall be subject to forfeiture unless [it shall appear that] the owner or owners thereof were consenting parties to a felonious violation of this chapter and had knowledge thereof.

2 Civil Forfeiture Not Allowed When Person Found Not Guilty. Amend RSA 318-B:17-b, IV(d) to read as follows:

(d) At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. *No asset forfeiture may be maintained against a person's interest in property if that person has been found not guilty of the underlying felonious charge.*

3 Forfeiture; Proportionality. Amend RSA 318-B:17-b, IV(e) to read as follows:

(e) At the hearing, the court shall hear evidence and make findings of fact and [conclusions] *rulings of law [and] as to whether the property is subject to forfeiture under this chapter. Except in the case of proceeds, upon a finding that the property is subject to forfeiture the court shall determine whether the forfeiture of the property is not excessive in relation to the underlying criminal offense. In making this determination the court shall consider whether in addition to any other pertinent considerations:*

(1) There is a substantial connection between the property to be forfeited and the underlying drug offense;

(2) Criminal activities conducted by or through the use of the property were extensive; and

(3) The value of the property to be forfeited greatly outweighs the value of the drugs that were or would have been likely to be distributed, the costs of the investigation and prosecution, and the harm caused by the criminal conduct.

The court shall, thereupon, make a final order, from which all parties shall have a right of appeal.

4 New Section; Drug Asset Forfeiture Guidelines Required. Amend RSA 318-B by inserting after section 17-d the following new section:

318-B:17-e Drug Asset Forfeiture Guidelines Required. The department of justice shall adopt and maintain drug asset forfeiture guidelines. The attorney general shall submit the guidelines and any proposed amendments to such guidelines to the house and senate judiciary committees for review and comment at least as often as annually. The attorney general shall submit any proposed amendments to the guidelines for legislative review and comment prior to their becoming effective.

5 New Section; Forfeiture Report. Amend RSA 318-B by inserting after section 17-d the following new section:

318-B:17-e Forfeiture Reports. The attorney general shall submit a biennial report to the governor, senate president, and speaker of the house relative to the seizure of any items or property interests under RSA 318-B:17-b. Such report shall include:

I. A full and complete description of any items or property interests seized including the property's location and value.

II. The name and address of all known persons having a legal or equitable interest in the property.

III. Any findings of fact relative to the justice of the forfeiture as determined under RSA 318-B:17-b, IV(e).

IV. The attorney general has the authority to exclude any information which would reveal the identity of an informant or compromise an ongoing investigation.

6 Study Committee Established.

I. There is hereby established a committee to study the feasibility of state criminal forfeiture law which would include a transition from civil to criminal forfeiture.

II. The committee shall consist of the following members:

(a) 3 members of the house, including 2 members of the house judiciary committee and 1 member of the house corrections and criminal justice committee, appointed by the speaker of the house.

(b) 2 members of the senate judiciary committee, appointed by the senate president.

(c) The attorney general, or designee.

(d) One member of the public, appointed by the governor.

(e) Two attorneys experienced in criminal matters, one member to be appointed by the New Hampshire Bar Association and 1 member to be appointed by the New Hampshire Trial Lawyers Association.

(f) One representative of the New Hampshire Police Chiefs Association, appointed by the association.

(g) One representative of the New Hampshire American Civil Liberties Union, appointed by the organization.

III. The committee shall submit a report, including recommendations for legislation, to the speaker of the house, senate president, and governor no later than November 1, 1994.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Prohibits forfeiture unless the owner was a consenting party to the underlying offense.

II. Requires that judicial drug forfeiture of property is not excessive in relation to the underlying criminal offense.

III. Requires that the attorney general submit drug asset forfeiture guidelines to the house and senate judiciary committees for review and comment.

IV. Bars civil forfeiture against a person following a not guilty verdict based on the underlying felonious charge.

V. Requires the attorney general to submit reports to the governor, speaker of the house, and president of the senate relative to forfeitures.

VI. Establishes a study committee to examine the feasibility of a state criminal forfeiture law which would include a transition from civil to criminal forfeiture.

Reps. Lown, DePecol and Newman spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 59, relative to the privacy act. OUGHT TO PASS WITH AMENDMENT

Rep. Edward M. Gordon for Judiciary: This bill creates a narrow exception to the present law regarding the release of information under the creditor statute, RSA 359-C. The exception continues to prevent the disclosure of credit information. However, it allows peace officers to conduct limited investigations without fear that evidence will be suppressed just because a credit transaction was involved. Vote 10-3.

Amendment (2658B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the release of certain information under the
privacy act to law enforcement officials.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Exception Added. Amend RSA 359-C:11 by inserting after paragraph III the following new paragraph:

IV. When the attorney general or designee, a county attorney or any police or sheriff's department in this state represents to a provider of goods or services that an investigation is underway regarding the alleged involvement of such goods or services in connection with a criminal activity, notwithstanding the provisions of this chapter, the provider may release to the attorney general, county attorney or police or sheriff's department information regarding any customer transactions involving the type of goods or services allegedly used in such criminal activity. The information provided may include the identity of the customers, a description of the goods or services purchased, the time and circumstances of the purchases, and information regarding whether the purchase was a cash or credit transaction. However, the provider shall not disclose the terms and conditions of the credit transaction, reveal the customer's credit history or share any financing documents unless authorized by the provisions of this chapter. Before releasing the information described in this paragraph the provider of goods or services may require that the attorney general, county attorney or police or sheriff's department certify in writing that the request is being made pursuant to this paragraph.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes providers of goods and services to release information to the attorney general, county attorney, a police or sheriff's department if a criminal investigation is underway.

Adopted.

Report adopted and ordered to third reading.

HB 387, relative to the use of gender neutral language in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Shawn N. Jasper for Legislative Administration: The intent of this bill is to make Legislative Services and legislators more aware of using gender neutral language recognizing that this is largely an educational process and will evolve through time. It is our hope that over time all law will be gender neutral. Vote 11-0.

Amendment (3936B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Gender Neutral Drafting. Amend RSA 17-A by inserting after section 5 the following new section:

17-A:6 Gender Neutral Drafting.

I. It is the intent of the general court that the office of legislative services continue its efforts to draft all bills, resolutions and amendments using words that are neutral as to gender, to the extent practicable.

II. In addition, the office of legislative services shall continue to study the issues involved in gender neutral drafting, including the development and utilization of sexually neutral terms to replace masculine gender terms currently in use.

III. All members of the general court are encouraged to support the use of gender neutral terms in the drafting of legislation.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the office of legislative services to continue its gender neutral drafting efforts and encourages members of the general court to support the use of gender neutral language.

Adopted

Report adopted and ordered to third reading.

HB 686, relative to legislative review of proposed administrative rules. OUGHT TO PASS

Rep. Paul R. Fillion for Legislative Administration: The process of legislative approval of administrative rules as provided in RSA 541-A needs the provision of a course of action to follow when the joint committee on administrative rules feels it is necessary to prevent an agency from adopting a rule or part of a rule. This bill meets that need by providing for the use of a joint legislative resolution. The resolution would provide opportunity for both houses to either permit or prevent adoption of the section(s) in contention. The agency involved would experience no delay in enacting sections of a rule not in contention. The Legislative Administration Committee feels enactment of this bill will support other efforts currently under way to improve the effectiveness of the whole Administrative Procedures Act process. The vote was unanimous. Vote 13-0.

Adopted and ordered to third reading.

HB 239-L, granting municipalities an option for quarterly billing and collection of property taxes. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth A. Cepaitis for Municipal and County Government: This is enabling legislation for those cities and towns which, upon majority vote of the legislative body, prefer to bill on a quarterly basis. Vote 9-7.

Amendment (3714B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Quarterly Billing and Collection of Taxes in Towns and Cities. Amend RSA 76 by inserting after section 15-a the following new section:

76:15-aa Quarterly Collection of Taxes in Certain Towns and Cities.

I. Taxes shall be collected in the following manner in towns and cities which adopt the provisions of this section in the manner set out in RSA 76:15-c. A partial billing of the taxes to be assessed April 1 in any tax year shall be computed by taking the prior year's assessed valuation times the previous year's tax rate divided by 4; provided, however, that whenever it appears to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal times the previous year's tax rate divided by 4 to compute the partial payment.

II. For the purposes of this section, the list of assessed property shall be committed by the selectmen with 3 separate warrants under their hands and seal directed to the collector of such town no later than January 15. The collector shall mail all the bills for the 3 quarterly partial payments not later than March 3. Partial payment of taxes assessed under this section shall be due and payable on April 1, June 1, and September 1. The collector shall receive such payments, and credit the amount paid toward the amount of the taxes eventually assessed against the property. A payment of the remainder of the taxes assessed April 1, minus the payments due on April 1, June 1, and September 1, of that year, shall be due and payable December 1 or 30 days after the last bill is mailed. Interest charged on all taxes not paid on or before the date they are due shall be as prescribed in RSA 76:13, except that, when bills for partial payment under this section are mailed on or after March 3, interest shall not be charged on the April 1 payment until 30 days after the April bills are mailed; or, if final bills are mailed after November 1, interest shall not be charged on the final payment until 30 days after the final bills are mailed.

2 New Sections; Local Option Change in Ownership; Notification. Amend RSA 76 by inserting after section 76:15-b the following new sections:

76:15-c Local Option. Other provisions of law to the contrary notwithstanding, taxes shall be collected in any town or city in a manner pursuant to RSA 76:15-aa if said town or city by majority vote of the legislative body, adopts the provisions thereof. A town or city which adopts the provisions of RSA 76:15-aa may rescind said adoption by majority vote of the legislative body, and the general statutes relating to collection of taxes shall once again apply.

76:15-d Change in Ownership. Whenever a town or city has, by vote of its legislative body, approved the quarterly billing of taxes pursuant to RSA 76:15-aa and where subsequent to the collector issuing the quarterly bills, the assessors are made aware of a change in ownership in a parcel so billed, the assessors shall amend the tax list and notify the collector, who, upon the request of the taxpayer, shall cause to be mailed to the new owner a statement of account showing the balance due on the current quarterly billing.

3 Interest. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at 12 percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. *In those towns and cities adopting RSA 76:15-aa relative to quarterly tax collections, interest shall not be charged until 30 days after the first quarterly bill normally due April 1 is mailed; interest at 12 percent shall be due after the due dates of June 1 and September 1.* Interest due that amounts to less than \$5 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in his judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

4 Prepayment of Taxes. Amend RSA 80:52-a to read as follows:

80:52-a Prepayment. Any town by vote at a town meeting under a proper article in the warrant or by vote of the board of selectmen or the town council and any city by vote of its

governing [board] *body or a town or city which has adopted the provisions of the law allowing for quarterly tax billings under RSA 76:15-aa* may authorize the prepayment of taxes and authorize the collector of taxes to accept payments in prepayment of taxes. If a town or city so votes, any person, firm or corporation owning taxable property on April 1, *or in the case of a town or city which has adopted quarterly tax payments, on January 1*, may, after April 1 *or January 1, respectively*, and before notice of the amount of taxes assessed against said property for that year has been received, make payments on account of such taxes and the collector shall receive such payments and give a receipt therefor and credit the amounts paid toward the amount of the taxes eventually assessed against said property. In any town or city which shall vote to authorize the prepayment of taxes the collector of taxes shall give such bond in the form and amount which the commissioner of revenue administration shall require, and he shall pay over all sums so received to the town treasurer under the provisions of RSA 41:35.

5 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

HB 438-FN, requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bruce F. Hunter for Public Protection and Veterans Affairs: House Bill 438-FN as amended by the committee requires a criminal history background check to be done by the Department of Safety at the request of a federally licensed firearms dealer before a sale of a handgun can be completed. The Department of Safety will provide a toll-free number to be accessed by the dealer to provide purchaser information which will be used by the Department of Safety to review its criminal history records to determine if the purchaser is prohibited from possession of a handgun by state or federal law. If no match is found a transaction number is issued to the dealer and the sale is completed. Records of the request and the information conveyed are confidential and shall be destroyed, except for the transaction number issued to the dealer, within 48 hours of the day in which the request was placed. This amendment contains language requested by the Gun Owners of New Hampshire and is similar to laws in effect in Illinois and Virginia which were supported by the National Rifle Association. The committee voted Ought To Pass with Amendment. Vote 11-0.

Amendment (3619B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring criminal history record checks for sales of handguns by
dealers using a toll-free telephone number.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Criminal History Record Checks; Handguns. Amend RSA by inserting after chapter 159-B the following new chapter:

CHAPTER 159-C

SALE OF HANDGUNS; CRIMINAL RECORD CHECK

159-C:1 Sale of Handguns; Criminal History Record Check.

I. No importer, manufacturer, or dealer licensed pursuant to 18 U.S.C. 923 shall sell or deliver from his business inventory at his licensed premises any handgun to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until he has:

(a) Obtained a completed consent form from the potential buyer or transferee, which form shall have been adopted by the department of safety and provided by the licensed importer, manufacturer, or dealer, which shall include only the name, birth date, gender, race, and social security number or other identification number of such potential buyer or transferee;

(b) Inspected identification containing a photograph of the potential buyer or transferee;

(c) Requested, by means of a toll-free telephone call, that the department conduct a criminal history record check; and

(d) Received a unique approval number for that inquiry from the department, and recorded the date and such number on the consent form.

II. For the purposes of this chapter "handgun" means:

(a) A firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(b) Any combination of parts from which a firearm described in subparagraph (a) can be assembled.

159-C:2 Department of Safety Investigation.

I. Upon receipt of a request for a criminal history record check, the department of safety, during the licensee's call or by return call:

(a) Review its criminal history records to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law;

(b) Inform the licensee making the inquiry either that its records demonstrate that the potential buyer or transferee is so prohibited, or provide the licensee with a unique approval number.

II. In the event of electronic failure or similar emergency beyond the control of the department, the department shall immediately notify the requesting licensee of the reason for, and estimated length of, such delay. After such notification, the department shall, and in no event later than the end of the next business day of the licensee, either inform the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the potential buyer or transferee is so prohibited, and without regard to whether he has received a unique approval number, the licensee may complete the sale or delivery and shall not be deemed in violation of this section with respect to such sale or delivery.

159-C:3 Confidentiality.

I. Any records containing any of the information set forth in RSA 159-C:1, I pertaining to a potential buyer or transferee who is not found to be prohibited from receipt or transfer of a handgun by reason of state or federal law which are created by the department of safety to conduct the criminal history record check shall be confidential and may not be disclosed by the department or any officers or employees to any person or to another agency. The department shall destroy any such records after it communicates the corresponding approval number to the licensee and, in any event, such records shall be destroyed within 48 hours after the day of the receipt of the licensee's request.

II. The department shall retain records containing any information set forth in RSA 159-C:1, I pertaining to a potential buyer or transferee who is prohibited from receipt or transfer of a handgun for 6 months. The department shall be guilty of a violation if it fails to destroy such records within 48 hours after the day of the receipt of the licensee's request.

III. Notwithstanding the provisions of this section the department may maintain only a log of dates of requests for criminal history records checks and unique approval numbers corresponding to such dates for a period of not longer than one year.

IV. Nothing in this section shall be construed to allow the department to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of handgun transactions, including the names or other identification of licensees and potential buyers or transferees, including persons not otherwise prohibited by law from the receipt or possession of handguns.

V. Any person who violates the provisions of this chapter which require the destruction of certain records, or which prohibit the maintenance of certain records shall be guilty of a misdemeanor and shall be personally liable, jointly and severally with the state for both damages and attorneys' fees, which shall be awarded by the court in any civil action brought to enforce such provisions.

159-C:4 Toll-Free Number. The department of safety shall establish a toll-free telephone number which shall be operational 7 days a week between the hours of 8:00 a.m. and 10:00 p.m. for purposes of responding to inquiries as described in this section from licensed importers, manufacturers, and dealers. The department shall employ and train such personnel as are necessary to administer expeditiously the provisions of this section.

159-C:5 Appeal. Any person who is denied the right to receive or purchase a handgun as a result of the procedures established by this chapter may request amendment of the record pertaining to him by petitioning the department of safety. If the department fails to amend the record within 7 days, the person requesting the amendment may petition the superior court of the county of residence for an order directing the department to amend the record. The court shall award the petitioner an attorney's fee if it determines that the record should have been amended by the department. If the record as corrected demonstrates that such person is not prohibited from receipt or possession of a handgun by state or federal law, the department shall destroy any records it maintains which contain any information derived from the criminal history records check set forth in RSA 159-C:1, I.

159-C:6 Rules. The department of safety shall adopt rules, pursuant to RSA 541-A, to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

159-C:7 Exceptions to Reporting. A licensed importer, manufacturer, or dealer is not required to comply with the provisions of this section in the event of:

I. Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises, or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, or war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

II. Failure of the department of safety to comply reasonably with the requirements of RSA 159-C:2.

159-C:8 Defenses. Compliance with the provisions of this chapter shall be a complete defense to any claim or cause of action under the laws of this state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer of any handgun which has been shipped or transported in interstate or foreign commerce to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

159-C:9 Handgun Exceptions. The provisions of this chapter shall not apply to:

I. Any handgun, including any handgun with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898.

II. Any replica of any handgun described in paragraph I if such replica is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

III. Any handgun which is a curio or relic as defined by 27 C.F.R. 178.11.

IV. Potential buyers or transferees who hold a valid permit to carry a concealed weapon pursuant to RSA 159:6 who exhibit such permit to a licensed importer, manufacturer, or dealer.

159-C:10 Penalties; Immunity.

I. Any licensed importer, manufacturer, or dealer who willfully and intentionally requests a criminal history record check from the department of safety for any purpose other than compliance with RSA 159-C:1, or willfully and intentionally disseminates any criminal history record information to any person other than the subject of such information shall be guilty of a misdemeanor.

II. Any person who, in connection with the purchase, transfer, or attempted purchase or transfer of a handgun pursuant to RSA 159-C:1, willfully and intentionally makes any materially false oral or written statement or willfully and intentionally furnishes or exhibits any false identification intended or likely to deceive the licensee shall be guilty of a misdemeanor.

III. Any licensed importer, licensed manufacturer, or licensed dealer who willfully and intentionally sells or delivers a handgun in violation of this chapter shall be guilty of a misdemeanor.

IV. Any potential buyer or transferee who purchases a handgun for the purpose of transferring it to a person who is prohibited from possession of a handgun by state or federal law shall be guilty of a class B felony.

V. Any licensed importer, manufacturer, or dealer who in good faith relies upon a criminal history record check from the department pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

159-C:11 Annual Report. The department of safety shall provide the wildlife and recreation committee of the senate and the public protection and veteran affairs committee of the house of representatives an annual report including the number of inquiries made pursuant to this chapter for the prior calendar year. Such report shall include, but not be limited to, the number of inquiries received from licensees, the number of inquiries resulting in a determination that the potential buyer or transferee was prohibited from receipt or possession of a handgun pursuant to state or federal law, the estimated costs of administering this chapter, the number of instances in which a person requests amendment of the record pertaining to such person pursuant to RSA 159-C:5, and the number of instances in which the superior court issued an order directing the department to amend a record pursuant to RSA 159-C:5.

2 Contingent Prospective Repeal. This act is repealed on the date that any federal law is effective that requires federally licensed firearms dealers to contact a federal or state government agency or official to determine whether receipt of a firearm by a prospective purchaser would violate federal or state law.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires the department of safety to conduct a criminal history record check for sale of handguns by dealers.

Adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, January 11 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 451-FN, requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.

HB 458-FN-L, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause.

HB 660-FN, relative to drug forfeiture.

SB 59, relative to the privacy act.

HB 387, relative to the use of gender neutral language in New Hampshire.

HB 686, relative to legislative review of proposed administrative rules.

HB 239-L, granting municipalities an option for quarterly billing and collection of property taxes.

HB 438-FN, requiring criminal history record checks for sales of handguns by dealers using a toll-free telephone number.

RECONSIDERATION

Having voted with the prevailing side, Rep. Schotanus moved that the House reconsider its action whereby it referred to Interim Study **HB 497**, allowing towns and school districts to use the official ballot for any issue before the voters, and spoke against.

Reconsideration lost.

UNANIMOUS CONSENT

Reps. Buckley and Rice addressed the House.

Rep. Burling moved that the remarks of Rep. Buckley be printed in the Journal.

Adopted.

Thank you Mr. Speaker. I rise today to pay tribute to two outstanding citizens who passed away within the past 24 hours: the former Speaker of the United States House, Thomas P. "Tip" O'Neill and Mrs. Virginia Kelly, the President's Mother.

Tip O'Neill had a long and distinguished career in public life. He began his career as a legislator and was the first Democratic Speaker in Massachusetts in more than 100 years, which gives great hope to Mr. Trombly. He was elected to the United States Congress, replacing John F. Kennedy, when he was elected to the Senate and Tip became the Speaker of the House and was known for never forgetting his roots.

Recently, he published his latest book which is called, "All Politics Is Local: the Rules of the Game." I believe that every legislator across the nation should probably read that. It ends with Tip's political checklist and in memory of Tip, I think it would be appropriate to read a couple of them.

1. Vote your conscience, your country, your district, the leadership, in that order.
2. Never question the honesty or integrity of a colleague.
3. It's a round world - what goes around, comes around.
4. You can accomplish anything if you're willing to let someone else take the credit.
5. Never lose your idealism.
6. Lead by consent, not demand.
7. The bigger the crowd, the lower the vote.
8. Learn to say, "I don't know but I will find out."
9. K.I.S.S. - Keep it simple, stupid.
10. Don't stay mad - there's always tomorrow. Today's enemy is tomorrow's ally.
11. Never speak of yourself in the third person.
12. Tell the truth the first time and you don't have to remember what you said.
13. The horse that runs fast early fades in the stretch.

I would also like to mention Mrs. Kelley. I had the opportunity to meet her at the National Democratic Convention two years ago. She clearly was a proud mother. Very proud that her son was able to attain the highest position in this nation and lead the free world. As a single parent, she put herself through school and in remarrying had to deal with the trials and tribulations of having an abusive husband and an alcoholic husband. I think that both of these people deserve our tribute and I would like to ask the Speaker, on behalf of the House, to send our heartfelt sympathies to both the O'Neill family and the Clinton family.

Rep. Jasper moved that the Remarks of Rep. Rice be printed in the Journal.

Adopted.

Thank you Mr. Speaker. Before I begin, let me call your attention to the fact that I was on the losing side this morning. The members of the Municipal and County Government committee unanimously wish to thank our chairman, Rep. Karen Wadsworth, for her brave stand against tremendous pressure. She has always lived by the principle that there is no excuse to pass a flawed bill, no matter who the sponsor is or what the political pressure. Under her leadership, we have heard more bills than any other committee. We heard about 90 bills in the 1993 session, and only about 10 percent of these were re-referred. Those re-referred had an equal chance of being amended and passed or found inexpedient to legislate. This session our workload is about 40 bills. We welcome House Bill 497. We pledge to the people of New Hampshire that it will receive a fair, honest hearing. I volunteered to read this.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 4:50 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 3

Tuesday, January 11, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God, the source of our passion, kindle in us Your anguish and desire. Inspire us with Your compassion that we may join with You in pleading the cause of the poor and unprotected. Fill us with holy rage when justice is delayed and give us the persistence to require those rights that are denied. Amen.

Rep. McGuirk led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Stewart, Holley, Miller, Guay, Bowers, O'Brien, Champagne, Kathleen Ward, Bucu and Katharin Pratt, the day, illness.

Reps. Daniels, Blake, Dyer, Crum, David Flanders, Burke, Hart, Patricia Brown, Hawkins, Kurk, Wiswell, Marsha Pelletier, Ruth Gage, Borsa and David Dow, the day, important business.

Rep. Ham, the day, death in the family.

Reps. Laflam and McNamara, the day, illness in the family.

INTRODUCTION OF GUESTS

Carl Shoff and six American government students, guests of Rep. Alson Brown. Kathryn Fongeallaz, daughter of Rep. Lovejoy.

VACATES

Rep. Musler moved that the House vacate the reference of **HB 1469-L**, relative to the definition of "impact fee" for the purpose of innovative land use controls, to the Committee on Environment and Agriculture.

Adopted and referred to Municipal and County Government.

Rep. Wadsworth moved that the House vacate the reference of **HB 1302-L**, making aircraft operating areas subject to property taxation on the basis of current use, to the Committee on Municipal and County Government.

Adopted and referred to Environment and Agriculture.

REGULAR CALENDAR - PART II (Cont'd.)

HB 319, establishing a committee to study the feasibility of using sand or chemicals other than salt for highway snow and ice removal. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Arthur P. Klemm Jr. for the Majority of Public Works: The subcommittee heard considerable testimony about the concerns of using salt on our roads and what alternatives may be available. The DOT testified that it is taking part in a two-year, 15-state study using anti-icing techniques funded by the Federal Highway Administration with the results of that study to be reported back to the legislature by June 1995. There was considerable debate in the subcommittee about the use of low salt areas and the Department has agreed to draw up some criteria for the use of low salt upon the request of local town officials. The committee felt that the D.O.T. was sensitive to the concerns about the amount of salt that is used on our highways and are looking at alternative methods to keep our highways clear, and therefore voted 16-3, Inexpedient To Legislate.

Rep. Katherine D. Rogers for the Minority of Public Works: HB 319 as proposed to be amended, would make a statement of purpose regarding the long term environmental and

structural dangers that result from the state's continued use of high levels of salt on our roads and recognizes the positive impact of reductions and tighter controls over the use of salt. The amended bill would additionally require DOT to notify municipalities upon request, of the deicing materials and quantities to be used in such municipality for the upcoming winter, and report to that same municipality on the effectiveness of that program. Finally, the amended HB 319 would require DOT to report findings from Evaluation Project #28.

Rep. Katherine Rogers moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Gene Chandler spoke against.

Reps. Keans and Betty Hall spoke in favor and yielded to questions.

Rep. Klemm spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 140 - NAYS 190

YEAS 140

BELKNAP

Rosen, Ralph

Salatiello, Thomas

Smith, Linda

CARROLL

None

CHESHIRE

Bonneau, Sarah

Burnham, Daniel

DePecol, Benjamin

Foster, Katherine

Kingsbury, H. Thayer

Lynch, Margaret

McGuirk, Paul

Pratt, Irene

Richardson, Barbara

Riley, William

Robertson, Timothy

Royce, H. Charles

Russell, Ronald

COOS

Bradley, Paula

Coulombe, Henry

Foss, Frederic

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

GRAFTON

Below, Clifton

Brown, Alson

Copenhaver, Marion

Crory, Elizabeth

Guest, Robert

McIlwaine, Deborah

Nordgren, Sharon

HILLSBOROUGH

Allen, W. Gordon

Arnold, Thomas, Jr.

Asselin, Robert

Bergeron, Lucien

Bergeron, Normand

Buckley, Raymond

Cepaitis, Elizabeth

Clemons, Jane

Cote, David

Crotty, Edward

Dodge, Emma

Domaingue, Jacquelyn

Drabinowicz, A. Theresa

Durham, Susan

Dwyer, Patricia

Fields, Dennis

Foster, Linda

Gervais, Glen

Haetenschwiller, Alphonse

Hall, Betty

Hanselman, Gregory

Jean, Claudette

Johnson, Lionel

L'Heureux, Robert

Laughlin, J. Francis

Lozeau, Donnalee

Martin, Mary Ellen

Messier, Irene

Milligan, Robert

Moore, Elizabeth

Morrisette, Roland

Nardi, Theodora

O'Rourke, Joanne

Paquette, Rodolphe

Pepino, Leo

Reidy, Frank

Smart, John

Soucy, Donna

Soucy, Richard

Sullens, Joan

Toomey, Kathryn

Turgeon, Roland

White, John

MERRIMACK

Barberia, Richard

Braiterman, Thea

Daneault, Gabriel

Dunn, Miriam

French, Barbara

Johnson, C. William

Johnson, Joyce May

Langer, Ray

Mitchell, Vernon

Moore, Carol

Newland, Matthew

Owen, Derek

Regan, Maurice

Rogers, Katherine

Teague, Bert

Trombly, Rick

Wallner, Mary Jane

Whalley, Michael

Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Hurst, Sharleene
Pantelakos, Laura
St. Martin, Tommy
Williamson, William

Boucher, William
Crossman, Harold, Jr.
Kane, Cecelia
Rosencrantz, James
Syracusa, Anthony

Caswell, Albert, Jr.
DiPietro, Carmela
Lovejoy, Marian
Schanda, Joseph, Sr.
Vaughn, Charles

Clark, Martha
Fesh, Robert
McGovern, Cynthia
Splaine, James
Warburton, Calvin

STRAFFORD

Brown, George
Dunlap, Patricia
Keans, Sandra
Merrill, Amanda
Pelletier, Arthur
Wall, Janet

Brown, Julie
Hambrick, Patricia
Loder, Suzanne
Merritt, Deborah
Rogers, Rose Marie
Wheeler, Katherine

Callaghan, Frank
Hashem, Elaine
Lundborn, Raymond
Musler, George
Snyder, Clair

Chagnon, Ronald
Hilliard, Dana
McGrath, J. Gregory
Pageotte, Donald
Torr, Ralph

SULLIVAN

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

Kane, Joan

NAYS 190**BELKNAP**

Bartlett, Gordon
Holbrook, Robert
Turner, Robert

Cain, Thomas
Johnson, Carl
Ziegra, Alice

Campbell, Richard, Jr.
Lawton, David

Hauck, William
Rice, Thomas, Jr.

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

Cogswell, Richard
Mock, Henry
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Manning, Joseph
Smith, Edwin

Cole, Stacey
Metzger, Katherine
Young, David

Delano, Robert
Pearson, Gertrude

Hunt, John
Perry, David

COOS

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Adams, Carl
Eaton, Stephanie
Rose, William
Wadsworth, Karen

Bean, Pamela
Hill, Richard
Scanlan, David
White, Paul

Brown, Channing
LaMott, Paul
Teschner, Douglass

Driscoll, William
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Ahern, Richard
Andrews, Frederick
Arnold, Barbara
Cowenhoven, Garret
Dykstra, Leona
Gosselin, Gerald
Holt, Mark
Kelley, Robert
Lessard, Rudy
Mercer, Robert
Murphy, Robert

Ahrens, Frederick
Bagley, Amy
Desrosiers, William
Ferguson, Charles
Healy, Daniel
Hunter, Bruce
Kirby, Thomas
Lown, Elizabeth
Mittelman, David
Packard, Bonnie

Amidon, Eleanor
Calawa, Leon, Jr.
Donovan, Francis
Franks, Suzan
Holden, Carol
Jasper, Shawn
Lachut, Ervin
McCarty, Winston
Moncrief, Keith
Perkins, Paul

Chabot, Robert
Drolet, Paul
Gagnon, Eugene
Holt, David
Jean, Loren
Lefebvre, Roland
McRae, Karen
Morello, Michael
Peters, Stanley

Record, Alice
Sallada, Roland
Tate, Joan
Wells, Peter, Sr.

Rheault, Lillian
Sargent, Maxwell
Upton, Barbara
Wheeler, Robert

Riley, Frances
Searles, Stanley, Sr.
Vanderlosk, Stanley
Wright, George

Rothhaus, Finlay
Smith, Leonard
Weergang, Alida

MERRIMACK

Buessing, Marjorie
Fillion, Paul
Houlahan, Thomas
Nichols, Avis
Weeks, John, Jr.

Carter, Susan
Gilbreth, Robert
Kennedy, Richard
Pfaff, Terence
Whittemore, James

Chandler, Earle
Hall, Douglas
Kidder, William
Shaw, Randall
Willis, Jack

Chandler, John
Holmes, Mary
Lockwood, Robert
Stapleton, Henry

ROCKINGHAM

Arndt, Janet
Case, Margaret
Cote, Charles
Dube, LeRoy
Gorman, Donald
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Putnam, Ed, II
Rubin, George
Smith, Arthur
Sytek, John

Battles, Marjorie
Chester, Sherman
Cote, Patricia
Flanagan, Natalie
Groves, Bonnie
Katsakiores, Phyllis
Lee, Rebecca
Moore, Benjamin
Raynowska, Bernard
Senter, Marilyn
Stone, Joseph
Weyler, Kenneth

Beaulieu, Jon
Clark, Vivian
Dowd, Sandra
Flanders, John, Sr.
Hemenway, Thomas
Klemarczyk, Thaddeus
MacDonald, Maurice
Noyes, Richard
Richards, David
Simon, Peter
Stritch, C. Donald
Woods, Deborah

Campbell, Marilyn
Conroy, Janet
Dowling, Patricia
Gage, Beverly
Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Packard, Sherman
Ritzo, Eugene
Skinner, Patricia
Sytek, Donna
Yennaco, Carol

STRAFFORD

Douglass, Clyde
Nehring, William
Torr, Franklin

Hemon, Roland
Spear, Barbara
Vincent, Francis

Knowles, William
Sullivan, Henry
Wasson, Richard

McKinley, Robert
Torr, Ann

SULLIVAN

Allison, David
Lindblade, Eric

Behrens, Thomas
Peyron, Fredrik

Domini, Irene
Rodeschin, Beverly

Flint, Gordon
Schotanus, Merle

and the motion failed.

Report adopted.

Reps. David Welch and Bove wished to be recorded against the substitute motion.

HB 661-FN-A, relative to the highway and bridge betterment program fund, establishing transportation programs, increasing the road toll on users of motor fuel, and levying a gasoline floor tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for Public Works: This bill proposed a 7¢ increase in road tolls (gasoline tax) in three increments in order to provide additional funds for several highway related transportation programs. In February 1993, the committee could not support this increase given the state's economic situation and lingering questions about ISTEAs. In late October 1993, while most ISTEAs questions have been resolved and the first revision to the 10-year highway plan under Chapter 381, laws of 1991 is emerging, the wisdom of increasing the road tolls remain in doubt largely for economic reasons. Therefore, the committee chose to use this bill solely to clean up language about the highway betterment program. There is no appropriation or fiscal impact in the bill as amended. Vote 18-0.

Amendment (3819B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the highway and bridge betterment program.

Amend the bill by replacing all after the enacting clause with the following:

1 Highway and Bridge Betterment Program; Purpose Modified. Amend RSA 235:23-a, I to read as follows:

1. There is established a highway and bridge betterment program for the purpose of highway construction, reconstruction, and resurfacing, and for bridge construction, bridge reconstruction and bridge maintenance, in each highway district in the state and for the purpose of insuring [maximum utilization of federal aid highway allocation] *adequate maintenance and improvement of that portion of the state highway system not supported with federal aid.*

2 Betterment Report; Reference Change Added. Amend RSA 235:23-a, IV to read as follows:

IV. The commissioner shall prepare a report not later than December 1 of each year which details the way in which the transportation department has expended funds for highway construction, reconstruction, and resurfacing, and for bridge construction, bridge reconstruction and bridge maintenance according to the provisions of paragraph III. *The report shall also clearly evaluate how well the betterment program is achieving its purpose using quantitative measures wherever practical.* The report shall be submitted no later than December 1 of each year to the president of the senate, the speaker of the house, the governor, the chairman of the house public works committee, and the chairman of the senate capital budget committee.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies the purpose of the highway and bridge betterment program and requires the betterment report prepared annually by the commissioner of transportation to use quantitative measures.

Adopted.

Report adopted and ordered to third reading.

Rep. DePecol wished to be recorded against the Committee report.

HR 18, requesting an opinion of the justices concerning the constitutionality of an amendment to HB 257-FN. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Chandler for Public Works: This House Resolution has been amended to recognize that the disposition of common carrier fees and fines into a transportation fund for non-highway transportation infrastructure and associated administrative costs as proposed in the amended HB 257-FN may violate Art. 6-a, Part II of the State Constitution and requests an opinion of the Justices of the Supreme Court. Vote 15-3.

Amendment (3579B)

Amend the resolution by replacing all after the title with the following:

Whereas, there is pending in the House, an amendment (document #3578B) to House Bill 257-FN, "An act establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys;" and

Whereas, Art. 6-a, Part II of the New Hampshire Constitution requires that revenues in excess of necessary costs of collection and administration accruing to the state from registration and certain other fees with respect to motor vehicles "shall be appropriated and used exclusively for the construction, reconstruction, and maintenance of public highways..., including the supervision of traffic thereon... and no part of such revenues shall, by transfer of funds or otherwise, be diverted to any other purpose whatsoever;" and

Whereas, RSA 375-A has provisions for the collection of vehicle registration fees and the use of number plates (RSA 375-A:17 and 18) which are to be used with and expire coincidental with the registration and plates issued by the department of safety; and

Whereas, part of the policy for the regulation of common carriers and contract carriers under RSA 375-B is to regulate the use of the highways for the transportation of property for hire (see RSA 375-B:1); and

Whereas, part of the policy behind RSA 376, concerning the regulation of motor carriers of passengers, is to promote safety upon the highways (see RSA 376:1); and

Whereas, the amendment to HB 257-FN (document #3578B) provides that the funding for RSA 375-A, 375-B, and 376 be charged against the transportation fund; and

Whereas, the amendment further provides that fines and fees collected under RSA 375-A, 375-B, and 376 be deposited into the transportation fund; and

Whereas, the amendment provides that the transportation fund be used to fund transportation infrastructure which cannot be funded with highway fund moneys; and

Whereas, a question has arisen concerning the constitutionality of the amendment to HB 257-FN; now, therefore, be it

Resolved by the House:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Would the enactment of the amendments to RSA 375-A in HB 257-FN (document #3578B) violate Art. 6-a, Part II of the of New Hampshire Constitution?

2. Would the enactment of the amendments to RSA 375-B in HB 257-FN (document #3578B) violate Art. 6-a, Part II of the New Hampshire Constitution?

3. Would the enactment of the amendments to RSA 376 in HB 257-FN (document #3578B) violate Art. 6-a, Part II of the New Hampshire Constitution?

That the clerk of the House of Representatives transmit copies of this resolution, HB 257-FN, and the amendment (document #3578B) to the Justices of the Supreme Court.

Adopted.

LAIID ON THE TABLE

Rep. John Chandler moved that **HR 18**, requesting an opinion of the justices concerning the constitutionality of an amendment to HB 257-FN, be laid upon the table.

Adopted.

REGULAR CALENDAR-PART II (Cont'd.)

HB 691-FN-A, relative to gaming revenues and establishing a committee to study the marketing of state lotteries and attitudes concerning the expansion and regulation of gambling in the state and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Regulated Revenues: While there was considerable interest in having a statewide non-binding referendum on gambling, the committee felt that the basics of this bill were not worth pursuing. The legislative survey that was done supports the committee's feelings on these issues. Vote 13-1.

Adopted.

HB 350, authorizing municipalities and the public utilities commission to regulate cable television rates to the extent that federal law permits. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly T. Rodeschin for Science, Technology and Energy: The Committee has voted **HB 350** Inexpedient to Legislate and has introduced a new cable bill, different from **HB 350**, for the 1994 Session. No clear consensus has emerged as to how cable companies should be regulated in New Hampshire under new FCC Rules, which are still being developed. The Committee needs more time to address this complex issue. Vote 10-0.

Adopted.

HB 362, requiring vehicle light use during any period windshield wipers are in operation. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas G. Cain for Transportation: This bill was deemed unnecessary because of current New Hampshire law and rules. Vote 9-5.

Rep. Avery moved that the words Ought to Pass with Amendment for the report of the Committee, Inexpedient to Legislative and spoke in favor.

Reps. Klemarczyk and Sherman Packard spoke against and yielded to questions.

On a division vote, 216 members having voted in the negative and 124 in the affirmative, the motion failed.

Report adopted.

SPECIAL ORDER

Rep. George Katsakiores moved that **HB 628-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons, be made a special order for January 27.

Adopted.

REGULAR CALENDAR - PART II (Cont'd.)

HB 576-FN-A, relative to the taxation of meals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglass P. Teschner for the Majority of Ways and Means: This bill has received extensive debate and discussion at both subcommittee and full committee levels. The crux of the issue is how to best define a "meal" for purposes of applying the rooms and meals tax. The issue is complicated by the fact that increasing numbers of people are eating "takeout" meals which can be purchased at either restaurants or grocery stores. The bill, in its original form, would exclude from the tax small quantities of food such as bakery items purchased at grocery stores. The problem with this approach is that it would create an unfair advantage to grocery stores since persons buying the same item(s) at a restaurant would pay the tax. During committee deliberations, an amendment was offered which would apply the tax only in restaurants (defined as eating establishments with seating), but again, this creates an unfair advantage for grocery stores. Despite some dissatisfaction with the present law, the committee (in the end) was unable to identify a satisfactory solution. Rather than solving one problem by creating another, the committee voted to kill the bill. Vote 12-4.

Reps. William H. McCann Jr., Joyce M. Johnson, Alphonse O. Plourde and Jane A. Clemons for the Minority of Ways and Means: The minority of the committee believes that Rev. Rule 702.17 is unfair and discriminates against single people, senior citizens and children who wish to purchase five or less bakery items in a grocery store since they will have to pay an 8 percent tax. If they purchase six items or more they pay no tax. This bill as amended would support the Joint Committee on Administrative Rules by repealing the rule that the Joint Committee objected to which is still being enforced by the Department of Revenue Administration.

Rep. McCann moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate.

Reps. David Young and McCann spoke in favor and yielded to questions.

Rep. Teschner spoke against and yielded to questions.

Rep. Cowenhoven spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 185 - NAYS 164

YEAS 185

BELKNAP

Salatiello, Thomas Young, Niel

CARROLL

Mock, Henry

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Foster, Katherine	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Young, David	

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Below, Clifton	Copenhaver, Marion	Cory, Elizabeth
Guest, Robert		
LaMott, Paul	McIlwaine, Deborah	Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Arnold, Thomas, Jr.
Asselin, Robert	Bergeron, Lucien	Bergeron, Normand	Buckley, Raymond
Cepaitis, Elizabeth	Clemons, Jane	Cote, David	Crotty, Edward

Domaingue, Jacquelyn
Fenton, James
Haettenschwiller, Alphonse
Holt, Mark
Johnson, Lionel
Laughlin, J. Francis
Martin, Mary Ellen
Murphy, Robert
Pepino, Leo
Plourde, Alphonse
Rothhaus, Finlay
Sullens, Joan
Weergang, Alida

Drabinowicz, A. Theresa
Foster, Linda
Hall, Betty
Hunter, Bruce
Kirby, Thomas
Lefebvre, Roland
Mittelman, David
Nardi, Theodora
Perkins, Paul
Reidy, Frank
Smart, John
Tate, Joan
White, John

Dwyer, Patricia
Gervais, Glen
Hanselman, Gregory
Jean, Claudette
L'Heureux, Robert
Lessard, Rudy
Moncrief, Keith
O'Rourke, Joanne
Peters, Stanley
Riley, Frances
Soucy, Donna
Toomey, Kathryn

Dykstra, Leona
Gosselin, Gerald
Holt, David
Jean, Loren
Lachut, Ervin
Lozeau, Donnalee
Morrisette, Roland
Paquette, Rodolphe
Philbrook, Paula
Rodgers, G. Philip
Soucy, Richard
Turgeon, Roland

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Johnson, Joyce May
Newland, Matthew
Trombly, Rick

Braiterman, Thea
Fillion, Paul
Langer, Ray
Owen, Derek
Wallner, Mary Jane

Daneault, Gabriel
French, Barbara
Mitchell, Vernon
Rogers, Katherine
Whalley, Michael

Dunn, Miriam
Houlahan, Thomas
Moore, Carol
Shaw, Randall
Yeaton, Charles

ROCKINGHAM

Battles, Marjorie
Bove, Martin
Clark, Martha
Dowling, Patricia
Hemenway, Thomas
Lovejoy, Marian
Newman, Rick
Raynowska, Bernard
Smith, Arthur
Stritch, C. Donald
Welch, David

Beaulieu, Jon
Case, Margaret
Clark, Vivian
Dube, LeRoy
Johnson, Robert
McGovern, Cynthia
Noyes, Richard
Rosencrantz, James
Splaine, James
Syracusa, Anthony
Williamson, William

Bell, Juanita
Caswell, Albert, Jr.
Coes, Betsy
Gorman, Donald
Kane, Cecelia
McKinney, Betsy
Packard, Sherman
Rubin, George
St. Martin, Tommy
Vaughn, Charles

Boucher, William
Christie, Andrew, Jr.
DiPietro, Carmela
Groves, Bonnie
Katsakiores, Phyllis
Moore, Benjamin
Pantelakos, Laura
Shanda, Joseph, Sr.
Stone, Joseph
Warburton, Calvin

STRAFFORD

Brown, George
Hashem, Elaine
Kincaid, William
McCann, William, Jr.
Pelletier, Arthur
Wasson, Richard

Callaghan, Frank
Hemon, Roland
Knowles, William
McGrath, J. Gregory
Rogers, Rose Marie
Wheeler, Katherine

Gilmore, Gary
Hilliard, Dana
Loder, Suzanne
Merrill, Amanda
Snyder, Clair

Hambrick, Patricia
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Torr, Ralph

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Lindblade, Eric

Cloutier, John
Palmer, Lorraine

Holl, Ann
Stamatakis, Carol

NAYS 164

BELKNAP

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.
Ziegler, Alice

Cain, Thomas
Holbrook, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Johnson, Carl
Smith, Linda

Dewhirst, Glenn
Lawton, David
Turner, Robert

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Philbrick, Donald

CHESHIRE

Cole, Stacey
Pearson, Gertrude

Delano, Robert
Perry, David

Hunt, John
Royce, H. Charles

Metzger, Katherine
Smith, Edwin

COOS

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Adams, Carl
Driscoll, William
Larson, Nils, Jr.
Trelfa, Richard

Bean, Pamela
Eaton, Stephanie
Rose, William
Wadsworth, Karen

Brown, Alson
Gordon, Edward
Scanlan, David
White, Paul

Brown, Channing
Hill, Richard
Teschner, Douglass

HILLSBOROUGH

Ahrens, Frederick
Bagley, Amy
Cowenhoven, Garret
Drolet, Paul
Franks, Suzan
Jasper, Shawn
McRae, Karen
Moore, Elizabeth
Rheault, Lillian
Smith, Leonard
Wheeler, Robert

Amidon, Eleanor
Bowers, Dorothy
Desrosiers, William
Durham, Susan
Gagnon, Eugene
Kelley, Robert
Mercer, Robert
Morello, Michael
Sallada, Roland
Upton, Barbara
Wright, George

Andrews, Frederick
Calawa, Leon, Jr.
Dodge, Emma
Fergusson, Charles
Healy, Daniel
Lown, Elizabeth
Messier, Irene
Packard, Bonnie
Sargent, Maxwell
Vanderlosk, Stanley

Arnold, Barbara
Chabot, Robert
Donovan, Francis
Fields, Dennis
Holden, Carol
McCarty, Winston
Milligan, Robert
Record, Alice
Searles, Stanley, Sr.
Wells, Peter, Sr.

MERRIMACK

Buessing, Marjorie
Gilbreth, Robert
Kennedy, Richard
Pfaff, Terence
Weeks, John, Jr.

Carter, Susan
Hall, Douglas
Kidder, William
Regan, Maurice
Whittemore, James

Chandler, Earle
Holmes, Mary
Lockwood, Robert
Stapleton, Henry
Willis, Jack

Chandler, John
Johnson, C. William
Nichols, Avis
Teague, Bert

ROCKINGHAM

Aranda, M. Kathryn
Conroy, Janet
Dowd, Sandra
Flanders, John, Sr.
Katsakiores, George
Lee, Rebecca
Richards, David
Skinner, Patricia
Woods, Deborah

Arndt, Janet
Cote, Charles
Felch, Charles, Sr.
Gage, Beverly
Klemarczyk, Thaddeus
MacDonald, Maurice
Ritzo, Eugene
Sytek, Donna
Yennaco, Carol

Campbell, Marilyn
Cote, Patricia
Fesh, Robert
Hurst, Sharleene
Klemm, Arthur, Jr.
Malcolm, Kenneth
Senter, Marilyn
Sytek, John

Chester, Sherman
Crossman, Harold, Jr.
Flanagan, Natalie
Johnson, Bill
Kruse, Fred
Putnam, Ed, II
Simon, Peter
Weyler, Kenneth

STRAFFORD

Brown, Julie
McKinley, Robert
Sullivan, Henry
Wall, Janet

Chagnon, Ronald
Nehring, William
Torr, Ann

Douglass, Clyde
Pageotte, Donald
Torr, Franklin

Dunlap, Patricia
Spear, Barbara
Vincent, Francis

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene
Schotanus, Merle

Flint, Gordon

Peyron, Fredrik

and the motion was adopted.

The Minority of the Committee offered a floor amendment.

Floor Amendment (1912B)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Restaurant for the Purposes of the Meals and Rooms Tax. Amend RSA 78-A:3, X(b) to read as follows:

(b) "Restaurant" means an eating establishment *at or near which seating is available*, where food, food products, or beverages including alcoholic beverages are served and for which a charge is made. The term includes, but is not limited to, a cafe, lunch counter, private or social clubs, cocktail lounges, hotel dining rooms, catering business, tavern, diner, snack bar, dining room, food vending machine, and any other eating place or establishment where meals are served, even if the serving of a meal is not the primary function of the establishment such as but not limited to convenience stores, gas stations, or supermarkets, but only as to the portion of such establishment *that meets the definition of "restaurant" and that serves a "meal"* as defined in this chapter. The term includes eating establishments whether stationary or mobile, temporary or permanent.

2 Rescission of Administrative Rule. Department of revenue administration rule 702.17, relative to the taxation of bakery items under the meals and rooms tax, is rescinded.

3 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill clarifies the definition of "restaurant", for the purposes of the meals and rooms tax, to include only those eating establishments at or near which seating is available.

The bill also rescinds a rule of the department of revenue administration regarding the taxation of bakery items.

Adopted.

Rep. McCann offered a floor amendment.

Floor Amendment (4531B)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Restaurant for the Purposes of the Meals and Rooms Tax. Amend RSA 78-A:3, X(b) to read as follows:

(b) "Restaurant" means an eating establishment *at or near which seating is available*, where food, food products, or beverages including alcoholic beverages are served and for which a charge is made. The term includes, but is not limited to, a cafe, lunch counter, private or social clubs, cocktail lounges, hotel dining rooms, catering business, tavern, diner, snack bar, dining room, food vending machine, and any other eating place or establishment where meals are served, even if the serving of a meal is not the primary function of the establishment such as but not limited to convenience stores, gas stations, or supermarkets, but only as to the portion of such establishment *that meets the definition of "restaurant" and that serves a "meal"* as defined in this chapter. The term includes eating establishments whether stationary or mobile, temporary or permanent.

2 Rescission of Administrative Rule. Department of revenue administration rule 702.17, relative to the taxation of bakery items under the meals and rooms tax, is rescinded.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill clarifies the definition of "restaurant", for the purposes of the meals and rooms tax, to include only those eating establishments at or near which seating is available.

The bill also rescinds a rule of the department of revenue administration regarding the taxation of bakery items.

Rep. McCann spoke in favor.

Rep. Teschner spoke against and yielded to questions.

Rep. McCann spoke in favor a second time.

Roll call request sufficiently seconded. The questions being the adoption of the McCann floor amendment.

YEAS 196 - NAYS 153

YEAS 196

BELKNAP

CARROLL

Salatiello, Thomas

Young, Niel

Mock, Henry

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Delano, Robert	Foster, Katherine	Kingsbury, H. Thayer	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Young, David

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	Gordon, Edward
Guest, Robert	LaMott, Paul	McIlwaine, Deborah	Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Ahrens, Frederick	Allen, W. Gordon
Arnold, Thomas, Jr.	Asselin, Robert	Bergeron, Lucien	Bergeron, Normand
Buckley, Raymond	Cepaitis, Elizabeth	Clemons, Jane	Cote, David
Crotty, Edward	Domaigne, Jacquelyn	Drabinowicz, A. Theresa	Dwyer, Patricia
Dykstra, Leona	Fenton, James	Foster, Linda	Gervais, Glen
Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty	Hanselman, Gregory
Holt, David	Holt, Mark	Hunter, Bruce	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kirby, Thomas	L'Heureux, Robert
Lachut, Ervin	Laughlin, J. Francis	Lefebvre, Roland	Lessard, Rudy
Lown, Elizabeth	Lozeau, Donnalee	Martin, Mary Ellen	Mittelman, David
Moncrief, Keith	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Rourke, Joanne	Paquette, Rodolphe	Pepino, Leo	Perkins, Paul
Peters, Stanley	Philbrook, Paula	Plourde, Alphonse	Reidy, Frank
Riley, Frances	Rodgers, G. Philip	Rothhaus, Finlay	Smart, John
Soucy, Donna	Soucy, Richard	Sullens, Joan	Tate, Joan
Toomey, Kathryn	Turgeon, Roland	Weergang, Alida	White, John
Wright, George			

MERRIMACK

Barberia, Richard	Daneault, Gabriel	Dunn, Miriam	Feuerstein, Martin
Fillion, Paul	French, Barbara	Gilbreth, Robert	Houlahan, Thomas
Johnson, Joyce May	Langer, Ray	Mitchell, Vernon	Moore, Carol
Newland, Matthew	Owen, Derek	Rogers, Katherine	Shaw, Randall
Teague, Bert	Trombly, Rick	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Battles, Marjorie	Beaulieu, Jon	Bell, Juanita	Boucher, William
Bove, Martin	Case, Margaret	Caswell, Albert, Jr.	Christie, Andrew, Jr.
Clark, Martha	Clark, Vivian	Coes, Betsy	DiPietro, Carmela
Dowd, Sandra	Dowling, Patricia	Dube, LeRoy	Gorman, Donald
Groves, Bonnie	Hemenway, Thomas	Johnson, Robert	Kane, Cecelia
Katsakiores, Phyllis	Lovejoy, Marian	MacDonald, Maurice	McGovern, Cynthia
McKinney, Betsy	Newman, Rick	Noyes, Richard	Packard, Sherman
Pantelakos, Laura	Raynowska, Bernard	Rosencrantz, James	Rubin, George
Schanda, Joseph, Sr.	Senter, Marilyn	Smith, Arthur	Splaine, James
St. Martin, Tommy	Stone, Joseph	Stitch, C. Donald	Syracusa, Anthony
Vaughn, Charles	Warburton, Calvin	Welch, David	Williamson, William
Yennaco, Carol			

STRAFFORD

Brown, George	Callaghan, Frank	Gilmore, Gary	Hambrick, Patricia
Hashem, Elaine	Hemon, Roland	Hilliard, Dana	Keans, Sandra

Kincaid, William
McCann, William, Jr.
Musler, George
Torr, Ralph

Knowles, William
McGrath, J. Gregory
Pelletier, Arthur
Wall, Janet

Loder, Suzanne
Merrill, Amanda
Rogers, Rose Marie
Wasson, Richard

Lundborn, Raymond
Merritt, Deborah
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Allison, David
Kane, Joan
Stamatakis, Carol

Burling, Peter
Lindblade, Eric

Cloutier, John
Palmer, Lorraine

Holl, Ann
Scholanus, Merle

NAYS 153

BELKNAP

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.
Ziegler, Alice

Cain, Thomas
Holbrook, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Johnson, Carl
Smith, Linda

Dewhirst, Glenn
Lawton, David
Turner, Robert

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Philbrick, Donald

CHESHIRE

Cole, Stacey
Perry, David

Hunt, John
Royce, H. Charles

Metzger, Katherine
Smith, Edwin

Pearson, Gertrude

COOS

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Adams, Carl
Driscoll, William
Rose, William
Wadsworth, Karen

Bean, Pamela
Eaton, Stephanie
Scanlan, David
White, Paul

Brown, Alson
Hill, Richard
Teschner, Douglass

Brown, Channing
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Amidon, Eleanor
Bowers, Dorothy
Desrosiers, William
Durham, Susan
Gagnon, Eugene
Kelley, Robert
Messier, Irene
Packard, Bonnie
Sargent, Maxwell
Vanderlosk, Stanley

Andrews, Frederick
Calawa, Leon, Jr.
Dodge, Emma
Ferguson, Charles
Healy, Daniel
McCarty, Winston
Milligan, Robert
Record, Alice
Searles, Stanley, Sr.
Wells, Peter, Sr.

Arnold, Barbara
Chabot, Robert
Donovan, Francis
Fields, Dennis
Holden, Carol
McRae, Karen
Moore, Elizabeth
Rheault, Lillian
Smith, Leonard
Wheeler, Robert

Bagley, Amy
Cowenhoven, Garret
Drolet, Paul
Franks, Suzan
Jasper, Shawn
Mercer, Robert
Morello, Michael
Sallada, Roland
Upton, Barbara

MERRIMACK

Buessing, Marjorie
Hall, Douglas
Kidder, William
Regan, Maurice
Whittemore, James

Carter, Susan
Holmes, Mary
Lockwood, Robert
Stapleton, Henry
Willis, Jack

Chandler, Earle
Johnson, C. William
Nichols, Avis
Weeks, John, Jr.

Chandler, John
Kennedy, Richard
Pfaff, Terence
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Conroy, Janet

Arndt, Janet
Cote, Charles

Campbell, Marilyn
Cote, Patricia

Chester, Sherman
Crossman, Harold, Jr.

Felch, Charles, Sr.
Gage, Beverly
Klemarczyk, Thaddeus
Malcolm, Kenneth
Ritzo, Eugene
Sytek, John

Fesh, Robert
Hurst, Sharleene
Klemm, Arthur, Jr.
Moore, Benjamin
Simon, Peter
Weyler, Kenneth

Flanagan, Natalie
Johnson, Bill
Kruse, Fred
Putnam, Ed, II
Skinner, Patricia
Woods, Deborah

Flanders, John, Sr.
Katsakiores, George
Lee, Rebecca
Richards, David
Sytek, Donna

STRAFFORD

Brown, Julie
McKinley, Robert
Sullivan, Henry

Chagnon, Ronald
Nehring, William
Torr, Ann

Douglass, Clyde
Pageotte, Donald
Torr, Franklin

Dunlap, Patricia
Spear, Barbara
Vincent, Francis

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene

Flint, Gordon

Peyron, Fredrik

and the amendment was adopted.

Report adopted and ordered to third reading.

Rep. Braiterman wished to be recorded in favor of the McCann floor amendment.

REMARKS

Rep. Douglas Hall moved that the remarks of Rep. McCann regarding the intent of HB 576 be published in the Journal.

Adopted.

Thank you Mr. Speaker. In the fiscal impact statement that we debated a few minutes ago, it was very clearly spelled out that grocery items represented \$3.2 million of the \$4.6 million so-called loss that I alluded to in my previous statement. To lose that kind of money in bakery goods, as I said earlier, would be over \$50 million in sales. The rule to be rescinded strictly deals with bakery goods. The definition of restaurant is tied into the sale of bakery goods and that is why the second part of the amendment clearly rescinds a specific rule to deal with bakeries. The intent, as the former chairman of the Administrative Rules Committee would surely attest to, is to follow the procedure that once a commissioner implemented a rule over our objection the only remedy is a legislative remedy. In this particular instance because of the problems with definitions we put a definition in. To clarify the intent of the body, the second part of the amendment clearly rescinds bakery goods, 5 items or less. The onerous impact is no different in the previous amendment, they are the same. The \$4.6 million that I alluded to is not going to be increased, in fact because we have specifically rescinded that it should be down to about \$3.2 million, in fact that is a legitimate number. The Department of Revenue Administration provided the estimate and you've got to remember one thing folks, this rule impacts the Department of Revenue Administration's ability to collect taxes. And they provided this legislature with the impact. I find that somewhat questionable and I urge you to support the floor amendment.

REGULAR CALENDAR-PART II (Cont'd.)

HB 652-FN, requiring state fees to reflect only the direct and indirect costs of a program funded or function provided. **UGHT TO PASS WITH AMENDMENT**

Reps. Douglas P. Teschner and Joyce M. Johnson for Ways and Means: This major legislation is the result of 19 months of study by the Ways and Means Committee. As state government is moving increasingly from tax-based revenue to user fees, it is important that the state adopt criteria for fees. This bill (1) defines what is a fee, (2) requires that new or amended statutory fees reflect no more than the costs of a program funded or function provided, (3) requires that bills with fees include a cost analysis as part of the fiscal note, and (4) permits the legislative committee on administrative rules to object to a fee which it deems is not commensurate with the costs of providing a regulatory function. Vote 15-0.

Amendment (3919B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to state fee reform.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. State, local and federal governments are increasingly moving from tax-based revenue to user fees and as this trend continues, it is important that the state adopt criteria for such fees, including:

(a) Developing lists of the state's fees and fee revenues.

(b) Developing consistency within the legislative process regarding the setting and increasing of fees.

(c) Establishing a uniform state policy for the setting of fees.

(d) Creating standards for allowing fees to increase or decrease.

II. The general court concludes that fees and other types of revenue should be defined and budgetarily tracked. Fees should be charged only for regulatory functions and programs and should, as a general rule, cover no more than the direct and indirect costs of a regulatory function or program. In some specific cases, such as elections and services provided by the courts, the activity provides a vital service which is the foundation of democratic government and should not be funded by fees alone. Fees should not be used to generate revenue beyond the costs of a particular regulatory function or program.

III. The purpose of this legislation is to:

(a) Define fees and establish consistent fee-setting criteria, whether a fee is established by statute or by rule. A cost analysis is required as part of the fee setting process, in order to ensure that fees to fund a function or program are commensurate with the cost of funding the function or program.

(b) Establish a budgetary tracking process for all fees and the revenues raised by such fees and require that all fees be reviewed by the legislature, to insure that fees remain reasonable relative to the costs of the function or program provided by the state.

2 New Section; State Fees; Additional Cost Analysis in Fiscal Note Required. Amend RSA 14 by inserting after section 47 the following new section:

14:47-a Proposed State Fees; Definition; Cost Analysis in Fiscal Note.

I. A fee shall not be used to generate revenue beyond the costs of performing a function or administering and enforcing a regulatory program.

II. In this section:

(a) "Fee" means a charge imposed by statute which is in return for a function performed by the state or incidental to regulation, in an amount which shall not generate revenue beyond the costs (less any federal funds or other revenue) of providing the function or administering and enforcing the regulatory program.

(b) "Fee surcharge" means an additional fee set by statute beyond the primary fee which is intended for a secondary program. The secondary program shall be at least incidentally related to the primary program. Fee surcharges may exceed the costs of providing the primary regulatory function or program. Funds derived from a fee surcharge shall not exceed the costs (less any federal funds or other revenue) of providing the secondary program.

III. Categories of state revenue which are considered fees under this section include but are not limited to:

(a) Licenses, certificates, and permits.

(b) Copying charges.

(c) Regulatory functions.

IV. Categories of state revenue which are not considered fees under this section include:

(a) Taxes, including the gas tax.

(b) Fines and penalties.

(c) Sales of goods and services, such as liquor and beverage sales, ski area admission charges, tramway admissions, state park admissions, sale of publications, planetarium admissions, tuition, charges levied by the port authority, and water tests conducted by the department of environmental services or other services which may be obtained in the private sector.

(d) Federal grants, private grants, and donations.

(e) Tolls charged to users of the turnpike system.

V. Fee surcharges are subject to the same fiscal review process as other fees. When the purpose of the fee surcharge no longer exists, the fee surcharge shall be eliminated.

VI.(a) For each new fee or fee surcharge or change in an existing fee or fee surcharge considered by the legislature, the state agency which would be imposing the fee shall, as a part of the data provided to the legislative budget assistant for preparation of the fiscal note on the bill, include a cost analysis illustrating that the amount of the fee is reasonably related to the costs of the function provided or a secondary program if a fee surcharge, or the administration and enforcement of the regulatory program or a secondary program if a fee surcharge. The cost analysis shall include the following:

(1) The amounts of the fees and fee surcharges authorized by statute that are currently in effect for the department citing the legal basis for each fee or fee surcharge.

(2) A history of the rate of the fee or fee surcharge, including the enactment date and subsequent dates of increases and decreases (if applicable).

(3) A complete fiscal note worksheet for the proposed or amended fee or fee surcharge which shows the reasonableness and appropriateness of the fee and the methodology used for calculating the revenue.

(b) The legislative budget assistant shall include such cost analysis as part of the fiscal note on the bill proposing the fee or change in existing fee. The legislative budget assistant shall determine the forms which are necessary for the agency to substantiate the reasonableness and appropriateness of the fee for the purpose of such cost analysis.

3 New Paragraph; Definition of Fee. Amend RSA 541-A:1 by inserting after paragraph IV the following new paragraph:

IV-a.(a) "Fee" means a charge imposed by rule which is in return for a function performed by the state or incidental to regulation, in an amount which shall not generate revenue beyond the costs (less any federal funds or other revenue) of providing the function or administering and enforcing the regulatory program. A fee shall not be used to generate revenue beyond the costs of performing a function or administering and enforcing a regulatory program. "Fee surcharge" means an additional fee set by statute beyond the primary fee which is intended for a secondary program. The secondary program shall be at least incidentally related to the primary program. Fee surcharges may exceed the costs of providing the primary regulatory function or program. Funds derived from a fee surcharge shall not exceed the costs (less any federal funds or other revenue) of providing the secondary program.

(b) Categories of state revenue which are considered fees under this section include but are not limited to:

(1) Licenses, certificates, and permits.

(2) Copying charges.

(3) Regulatory functions.

(c) Categories of state revenue which are not considered fees under this section include:

(1) Taxes, including the gas tax.

(2) Fines and penalties.

(3) Sales of goods and services, such as liquor and beverage sales, ski area admission charges, tramway admissions, state park admissions, sale of publications, planetarium admissions, tuition, charges levied by the port authority, and water tests conducted by the department of environmental services or other services which may be obtained in the private sector.

(4) Federal grants, private grants, and donations.

(5) Tolls charged to users of the turnpike system.

(d) Fee surcharges are subject to the same fiscal review process as other fees. When the purpose of the fee surcharge no longer exists, the fee surcharge shall be eliminated.

4 New Subparagraph; Fiscal Impact Statement. Amend RSA 541-A:3-a, I(d) by inserting after subparagraph (d)(5) the following new subparagraph:

(6) A cost analysis illustrating that the amount of the fee or fee surcharge does not generate revenue greater than the costs of the function provided or a secondary program if a fee surcharge, or the administration and enforcement of the regulatory program or a secondary program if a fee surcharge. The cost analysis shall include the following:

(A) The amounts of the fees and fee surcharges that are currently in effect for the department citing the legal basis for each fee or fee surcharge (whether authorized by statute or through the rule making process).

(B) A history of the rate of the fee or fee surcharge, including the enactment date and subsequent dates of increases and decreases (if applicable).

(C) A complete fiscal note worksheet for the proposed or amended fee which shows the reasonableness and appropriateness of the fee and the methodology used for calculating the revenue. The legislative budget assistant shall determine which forms are necessary for the agency to substantiate the reasonableness and appropriateness of the fee for the purpose of such cost analysis.

5 Basis for Committee Objection. Amend RSA 541-A:3-e, IV(c) and (d) to read as follows:

(c) determined not to be in the public interest; [or]

(d) deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement; *or*

(e) determined by the committee, upon recommendation by the legislative budget assistant, to include a fee or fee surcharge which generates revenue beyond the costs of providing a function or the administration and enforcement of a regulatory program.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

- (1) Defines state fees and fee surcharges;
- (2) Requires state fees to reflect only the costs of a program funded or function provided;
- (3) Requires that a fiscal note on a bill proposing a new state fee or fee surcharge or a change in an existing state fee or fee surcharge include a cost analysis by agency; and
- (4) Permits the legislative committee on administrative rules to object to a proposed rule containing a fee or fee surcharge which it deems is not commensurate with costs of providing a function if a fee or a secondary program if a fee surcharge or administering and enforcing a regulatory program if a fee or a secondary program if a fee surcharge.

Adopted.

Report adopted and ordered to third reading.

SB 236-FN-A, allowing a tax credit against the business profits tax for certain businesses. **INEXPEDIENT TO LEGISLATE**

Rep. Avis B. Nichols for Ways and Means: Senate Bill 236 gives credits to business for research and development but those credits are already provided in House Bill 51 that passed last session, therefore the committee voted this bill Inexpedient To Legislate. Vote 11-5.

Adopted.

HB 211, requiring the department of fish and game to establish a sound process for the opening, closing and monitoring of shellfish waters. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph Schanda Sr. for Wildlife and Marine Resources: The Committee feels the intent of this bill has been accomplished by the action of the Governor and Council. The committee appointed by the Office of State Planning has finally undertaken the intent of this bill. After five years of inactivity, the committee hopes the constituency will reap the benefits. Vote 12-1.

Adopted.

HB 444-FN, allowing citizens to register to vote while applying for driver's licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: Due to the National Voters Act which includes the Motor Vehicle Department, this bill is not necessary. Vote 18-0.

Rep. Fuller Clark spoke against.

Rep. Flanagan spoke in favor.

LAIID ON THE TABLE

Rep. DePecol moved that **HB 444-FN**, allowing citizens to register to vote while applying for driver's licenses, be laid upon the table.

Adopted.

REGULAR CALENDAR-PART II (Cont'd.)

HB 193-L, changing the school foundation aid distribution formula. **OUGHT TO PASS**

Rep. Nils H. Larson for Education: The committee voted to recommend HB 193 as a vehicle changing the school foundation aid distribution formula. An opinion from the NH Supreme Court in respect to the equity in school educational opportunity case is pending. The original bill passed the House, went to the House Appropriations Committee and was re-referred to this committee. Vote 19-0.

Rep. Larson spoke in favor.

LAID ON THE TABLE

Rep. Skinner moved that **HB 193-L**, changing the school foundation aid distribution formula, be laid upon the table.

Adopted.

REGULAR CALENDAR-PART II (Cont'd.)

HB 403, prohibiting cable television companies from charging for more than one cable connection per residence. **INEXPEDIENT TO LEGISLATE**

Reps. David B. Holt and Richard L. Cogswell for Science, Technology and Energy: The issues contained in this bill have been taken care of by the 1992 Cable Act and FCC rules. Vote 10-0.

Rep. Rodeschin yielded to questions.

Adopted.

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas G. Cain for Transportation: This bill allows persons 21 years of age or older to transport partially consumed bottles of wine purchased with full course meals from on-sale licensed establishments. This bill also has the support of the New Hampshire Chiefs of Police Association and the New Hampshire Office of Alcohol and Drug Abuse Protection. Vote 12-0.

Rep. Thomas Cain moved to Recommit to Committee.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 27, 1994 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 661-FN-A, relative to the highway and bridge betterment program.

HB 576-FN-A, relative to the taxation of meals.

HB 652-FN, relative to state fee reform.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 2:45 p.m.

RECESS

(Rep. Welch in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee, Rep. Gilmore offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk,

House Bills numbered 1579-FN-A-L and 1580-FN-A, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1579-FN-A-L, relative to safety and managed care under the workers' compensation law and making an appropriation therefor. (Turner, Belk 7; Trombly, Merr 4; A. Torr, Straf 12; Shaheen, Dist 21; Hollingworth, Dist. 23; Delahunty, Dist 22: Labor, Industrial and Rehabilitative Services)

HB 1580-FN-A, increasing the funds appropriated to finance the gubernatorial transition. (Trombly, Merr 4; A. Torr, Straf 12; Gorman, Rock 8: Appropriations)

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 4

Thursday, January 27, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God, in the midst of freezing temperatures, we gather the heat and energy of our prayers on behalf of those who survive from moment to moment without adequate food, shelter and clothing. And help us, O God, not simply to be aware of the plight of others but to devote the fullness of our financial and emotional resources towards the care of men, women and children who exist at the margins of society. And through all we seek to do according to Your will, warm our hearts and inspire our minds by the sheer grace of Your presence in our midst. Amen.

Rep. Rosen led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Champagne, O'Brien, Hauck, Gargiulo, Domini, Crotty and Joyce Johnson, the day, illness.

Reps. Irene Pratt, Paul White, Dykstra, Bove, Ferguson, Paquette, Morello, Simon, Weeks, Hawkinson, Dodge, Moncrief and Smart, the day, important business.

Reps. Ahern and Ruth Gage, the day, death in the family.

Rep. St. Martin, the day, illness in the family.

INTRODUCTION OF GUESTS

Bob Lown, husband of Rep. Lown. Thirty 4th grade students from Bluff elementary school in Claremont and their teachers, guests of Reps. Allison, Cloutier, Holl, John Kane and Palmer.

EMPLOYEE OF THE MONTH

Ann Fitzgerald was named the January Employee of the Month. She is coordinator of House committee research, a job she has held since August 1989.

In addition to supervising the committee research staff, she serves as researcher for three committees: Education, Legislative Administration and State-Federal Relations. She has been providing staff support to the continuing education program for House members.

Ann began her career with the House as a committee researcher in November 1984. She is a dedicated, knowledgeable staff member whose cheerfulness and sense of humor make busy days easier for everyone.

COMMUNICATION

January 24, 1994

Harold Burns, Speaker

With my deepest regret, I hereby tender my resignation as a representative in the General Court of the State of New Hampshire.

I find I cannot adequately perform my duties as a citizen-legislator due to other commitments I cannot avoid.

I want to let you know that I enjoyed my time in the House, but I simply cannot find the time to serve my neighborhood properly.

George C. Eliades, Hillsborough 33

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 591.

Rep. Dunn for the Committee

SENATE MESSAGES CONCURRENCE

HB 591-FN-L, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card.

NONCONCURRENCE

HB 341, relative to a small employer insurance availability act and standardized medical benefits forms.

HB 386, establishing a committee to study the district court system.

SPECIAL ORDER

HB 628-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Thaddeus E. Klemarczyk for the Majority of Transportation: The majority of the committee felt there was inconsistencies as to who was eligible to access the Department of Safety records. Also, openness in the conduct of public business is essential to a democratic society. The purpose being to ensure the greatest possible public access to records of all public bodies and their accountability to the people. Vote 10-4.

Reps. Timothy N. Robertson, Fred A. Kruse, Bernard J. Raynowska and Thomas G. Cain for Transportation: Many of us were surprised to discover that the Division of Motor Vehicles makes available to anyone all data from drivers licenses, vehicle registrations, and driving records. For a price, the division has provided customized lists by age, geography, gender, weight or other features, information which is very useful to direct marketing companies. In other formats, DMV information is used by insurance companies, private investigators, police and other government agencies. Even a stalker currently has access to the address of his or her victims. This bill, as amended, takes into consideration the most common uses of motor vehicle data and limits availability to those who for public safety reasons "need to know." In the opinion of the minority of the committee, issues of safety and privacy take precedence over issues of revenue and commercialism.

Rep. George Katsakiores moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Kurk spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 307 - NAYS 29

YEAS 307

BELKNAP

Cain, Thomas	Dewhirst, Glenn	Golden, Paul	Hauck, William
Holbrook, Robert	Johnson, Carl	Laffam, Robert	Lawton, David
Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas	Smith, Linda
Turner, Robert	Ziegler, Alice		

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cogswell, Richard
Lyman, L. Randy	Philbrick, Donald	Saunders, Howard	Wiggin, Gordon

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Cole, Stacey
Foster, Katherine	Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	McNamara, Wanda	Metzger, Katherine
Pearson, Gertrude	Perry, David	Richardson, Barbara	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Smith, Edwin	

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Coulombe, Henry
Mayhew, Josephine

Foss, Frederic
Mears, Edgar

Guay, Lawrence
Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Channing
Driscoll, William
LaMott, Paul
Trelfa, Richard

Bean, Pamela
Brown, Patricia
Eaton, Stephanie
Larson, Nils, Jr.
Wadsworth, Karen

Below, Clifton
Chase, Paul, Jr.
Gordon, Edward
Rose, William
Ward, Kathleen

Brown, Alson
Copenhaver, Marion
Ham, Bonnie
Scanlan, David

HILLSBOROUGH

Allen, W. Gordon
Arnold, Thomas, Jr.
Bowers, Dorothy
Cepaitis, Elizabeth
Cowenhoven, Garret
Domaingue, Jacquelyn
Dyer, Merton
Franks, Suzan
Greenberg, Gary
Hart, Nick
Holt, David
Kelley, Dana
L'Heureux, Robert
Lown, Elizabeth
McRae, Karen
Mittelman, David
Nardi, Theodora
Perkins, Paul
Reidy, Frank
Sallada, Roland
Soucy, Donna
Tate, Joan
Wells, Peter, Sr.

Amidon, Eleanor
Bagley, Amy
Buckley, Raymond
Chabot, Robert
Daigle, Robert
Drabinowicz, A. Theresa
Fenton, James
Gagnon, Eugene
Haettenschwiller, Alphonse
Healy, Daniel
Hunter, Bruce
Kelley, Robert
Lachut, Ervin
Lozeau, Donnalee
Mercer, Robert
Moore, Elizabeth
O'Rourke, Joanne
Philbrook, Paula
Rheault, Lillian
Sargent, Maxwell
Soucy, Richard
Upton, Barbara
Wheeler, Robert

Andrews, Frederick
Bergeron, Normand
Burke, M. Virginia
Clemons, Jane
Daniels, Gary
Drolet, Paul
Fields, Dennis
Gervais, Glen
Hall, Betty
Holden, Carol
Jasper, Shawn
Kirby, Thomas
Leclerc, Charles
Martin, Mary Ellen
Messier, Irene
Morrisette, Roland
Packard, Bonnie
Plourde, Alphonse
Riley, Frances
Searles, Stanley, Sr.
Stewart, Thomas
Vanderlosk, Stanley
White, John

Arnold, Barbara
Borsa, Andrew
Calawa, Leon, Jr.
Cote, David
Desrosiers, William
Durham, Susan
Foster, Linda
Gosselin, Gerald
Hanselman, Gregory
Holley, Sylvia
Jean, Claudette
Kurk, Neal
Lefebvre, Roland
McCarty, Winston
Milligan, Robert
Murphy, Robert
Pepino, Leo
Record, Alice
Rothaus, Finlay
Smith, Leonard
Sullens, Joan
Weergang, Alida
Wright, George

MERRIMACK

Barberia, Richard
Chandler, Earle
Fillion, Paul
Houlahan, Thomas
Lockwood, Robert
Nichols, Avis
Shaw, Randall
Wallner, Mary Jane
Yeaton, Charles

Braiterman, Thea
Chandler, John
French, Barbara
Johnson, C. William
Mitchell, Vernon
Owen, Derek
Stapleton, Henry
Whalley, Michael

Buessing, Marjorie
Dunn, Miriam
Hall, Douglas
Kidder, William
Moore, Carol
Pfaff, Terence
Teague, Bert
Whittemore, James

Carter, Susan
Feuerstein, Martin
Holmes, Mary
Langer, Ray
Newland, Matthew
Rogers, Katherine
Trombly, Rick
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Case, Margaret
Clark, Vivian
Cote, Patricia
Dowd, Sandra
Fesh, Robert
Gage, Beverly

Arndt, Janet
Boucher, William
Chester, Sherman
Coes, Betsy
Crossman, Harold, Jr.
Dowling, Patricia
Flanagan, Natalie
Gorman, Donald

Battles, Marjorie
Buco, Stephen
Christie, Andrew, Jr.
Conroy, Janet
Crum, William, Jr.
Drake, Herbert
Flanders, David
Groves, Bonnie

Beaulieu, Jon
Campbell, Marilyn
Clark, Martha
Cote, Charles
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Hazelton, Robert

Hemenway, Thomas
Kane, Cecelia
Kruse, Fred
McGovern, Cynthia
Noyes, Richard
Pullman, Robert
Rosencrantz, James
Skinner, Patricia
Stritch, C. Donald
Welch, David
Yennaco, Carol

Hurst, Sharleene
Katsakiores, George
Lee, Rebecca
McKinney, Betsy
O'Keefe, Patricia
Putnam, Ed, II
Rubin, George
Smith, Arthur
Sytek, Donna
Weyler, Kenneth

Johnson, Bill
Katsakiores, Phyllis
Lovejoy, Marian
Miller, Don
Pantelakos, Laura
Raynowska, Bernard
Schanda, Joseph, Sr.
Splaine, James
Sytek, John
Williamson, William

Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Moore, Benjamin
Pratt, Katharin
Ritzo, Eugene
Senter, Marilyn
Stone, Joseph
Warburton, Calvin
Woods, Deborah

STRAFFORD

Brown, Julie
Dunlap, Patricia
Kincaid, William
McGrath, J. Gregory
Nehring, William
Rogers, Rose Marie
Torr, Ann

Callaghan, Frank
Gilmore, Gary
Knowles, William
McKinley, Robert
Pageotte, Donald
Snyder, Clair
Torr, Ralph

Chagnon, Ronald
Hashem, Elaine
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Spear, Barbara
Wall, Janet

Douglass, Clyde
Keans, Sandra
Lundborn, Raymond
Musler, George
Pelletier, Marsha
Sullivan, Henry
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon
Palmer, Lorraine

Behrens, Thomas
Holl, Ann
Peyron, Fredrik

Burling, Peter
Kane, Joan
Rodeschin, Beverly

Cloutier, John
Lindblade, Eric
Schotanus, Merle

NAYS 29

BELKNAP

Bartlett, Gordon

Campbell, Richard, Jr.

CARROLL

Foster, Robert

CHESHIRE

DePecol, Benjamin

COOS

None

GRAFTON

Guest, Robert

McIlwaine, Deborah

HILLSBOROUGH

Asselin, Robert
Johnson, Lionel
Turgeon, Roland

Bergeron, Lucien
Laughlin, J. Francis

Holt, Mark
Peters, Stanley

Jean, Loren
Toomey, Kathryn

MERRIMACK

Daneault, Gabriel

Gilbreth, Robert

ROCKINGHAM

Blake, Daniel
Packard, Sherman

Caswell, Albert, Jr.
Syracusa, Anthony

Klemarczyk, Thaddeus

MacDonald, Maurice

STRAFFORD

Brown, George
Vincent, Francis

Hambrick, Patricia
Wasson, Richard

Hilliard, Dana

McCann, William, Jr.

SULLIVAN

None

and the motion was adopted.

Reps. Reagan, Teschner and David Young did not vote and wished to be recorded in favor.

Rep. George Katsakiores offered a Committee floor amendment.

Floor Amendment (4768B)

Amend the bill by replacing all after the enacting clause with the following:

1 Availability of Records. Amend RSA 260:14 to read as follows:

260:14 Records and Certification.

I. A proper record of all applications, reports required by law, certificates and licenses issued or revoked shall be kept by the department at its office[, and such records shall be open to the inspection of any person.] Copies of such records, duly attested and certified by the director or his designee, shall be as competent evidence in any court within this state as the original record or document would be if produced by him as the legal custodian thereof.

[II.] A hearings examiner shall be considered a legal custodian of motor vehicle records for the purpose of testifying at a trial.

II. Notwithstanding RSA 91-A or any other law to the contrary, any records kept by the department of safety under the requirements of paragraph I shall be made available in response to a request from a state, a political subdivision of a state, a court, the federal government, or a law enforcement agency, for use in official business.

III.(a) Notwithstanding RSA 91-A or any other law to the contrary, any records, other than social security number or bodily image, kept by the department of safety under the requirements of paragraph I shall be made available only in response to a request from:

(1) An automobile insurance company or its authorized agent, for use in underwriting its automobile insurance business.

(2) Any person for research or statistical purposes, provided, however, that no record provided to such person shall contain any personal identification information, including but not limited to a name, street, address, driver's license number, social security number, telephone number, bodily image, or other information that would identify an individual.

(3) A manufacturer of motor vehicles or a person who performs recalls on behalf of a manufacturer as authorized by the federal government or as deemed necessary by such manufacturer to protect the public health, safety or welfare or to make a free correction of a manufacturing deficiency, for use related to such recalls.

(4) An individual, or any person with notarized authorization from an individual, for such individual's own records, for any use.

(5) Any person, for any individual's driver record report, provided that such driver record report shall contain no personal identification information other than the individual's name and driver's license number, for any use.

(6) An attorney licensed to practice in New Hampshire, for use in any pending or potential litigation involving a violation of a motor vehicle statute.

(7) A bank or other lending institution, for use in connection with a specific loan secured by an interest in a motor vehicle.

(8) A detective agency licensed under RSA 106-F, or employee of such agency for use in connection with a professional investigation involving a violation of a motor vehicle statute for which compensation is expected.

(9) Any person for any record, provided that the commissioner shall determine in each such case that disclosure of the record is necessary for the public health, safety or welfare. Any such decision shall be in writing and set forth the basis on which it was reached. A copy of the decision shall be mailed to the person whose record was requested.

(b) Such records shall be used only by the persons and for the purposes set forth in RSA 260:14, II and III(a) and shall not be made available by them to any other persons or used or made available for any other purposes.

(c) Any person requesting such records under RSA 260:14, III(a)(1), (2), (3), (6), (7), (8) or (9) shall file a sworn affidavit with the department at such times as the department may require stating the reason for obtaining the records and assuring that the records will be used only for the purposes listed and that the identities of individuals in the records will be protected against further disclosure.

(d) The state shall not be held responsible for any improper use of release of records to any person obtaining such records as provided in RSA 260:14, II and III(a).

IV. Nothing in this section shall prohibit the department from releasing to the public a list of only the names, towns and ages of individuals convicted within the last 3 months of driving while intoxicated under RSA 265:82 or RSA 265:82-a or being an habitual offender under RSA 259:39.

2 Effective Date. This act shall take effect 60 days after its passage.

Rep. Katsakiores spoke in favor.

Adopted.

Report adopted and ordered to third reading

Rep. DePecol wished to be recorded in favor of the floor amendment and the Committee report.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration at the present time of **HR 42**, urging the Northeast Ozone Transport Commission to not recommend to the EPA a proposal adopting a low emission vehicle program.

Adopted by the necessary two-thirds.

HR 42, urging the Northeast Ozone Transport Commission to not recommend to the EPA a proposal adopting a low emission vehicle program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeb E. Bradley for Environment and Agriculture: This resolution, as amended, urges that the EPA not mandate any regional air quality control measure in the Northeast Ozone Transport Region prior to legislative authorization from each member state. The amendment deletes references to any particular air pollution control strategies. Vote 15-2.

Amendment (4736B)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

urging the Ozone Transport Commission to not recommend that the EPA mandate an ozone reduction and air quality program without prior legislative authorization from member states.

Amend the resolution by replacing all after the title with the following:

Whereas, New Hampshire is a member of the Ozone Transport Commission (OTC) along with 11 other states and the District of Columbia; and

Whereas, the OTC was established under the Clean Air Act amendments of 1990 to assess ozone problems, evaluate control methods, and develop strategies for implementation; and

Whereas, New Hampshire has already taken a number of stringent steps to improve air quality; and

Whereas, it has not been demonstrated which, if any, additional control measures for New Hampshire are necessary for the state to achieve attainment of the national ambient ozone standards; and

Whereas, state specific and regional technical analysis is necessary to determine which strategies will provide the most cost effective reduction in ozone and air quality improvements; and

Whereas the OTC may recommend and the Environmental Protection Agency (EPA) require region-wide mandates without legislative approval from member states; now, therefore, be it Resolved by the House of Representatives:

That the OTC not recommend that the EPA mandate a region wide control program without prior legislative authorization from each member state; and

That the EPA hold one or more public hearings in New Hampshire in conjunction with the general court prior to ruling on any recommendations from the OTC; and

That copies of this resolution signed by the speaker of the house be forwarded by the house clerk to the OTC, to each member of the New Hampshire congressional delegation, the director of the EPA, the governor, and senate president.

AMENDED ANALYSIS

This house resolution urges the Ozone Transport Commission to not recommend that the EPA mandate an ozone reduction and improved air quality program without prior legislative authorization from each member state.

Rep. Jeb Bradley spoke in favor.

Adopted.

Report adopted and ordered to third reading.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1271-FN, eliminating southbound tolls at exits 10, 11 and 12 on the Everett turnpike, was removed at the request of Rep. Greenberg.

Consent Calendar adopted.

HB 1118, eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glencliff home for the elderly be determined in accordance with the administrative procedure act. **OUGHT TO PASS**

Rep. Paul I. LaMott for Appropriations: This is a housekeeping measure that eliminates the need to go to Administrative Rules to have the audited rates implemented. This has already been done at the New Hampshire State Hospital and Laconia. Vote 17-0.

HB 1179, relative to the information required in agency requests for appropriations during the budget preparation process. **OUGHT TO PASS WITH AMENDMENT**

Rep. Channing T. Brown for Appropriations: Passage of this bill will place workers' compensation and unemployment expenditures into the budget process. It would require agencies to submit their requirements as part of their budget request. Vote 17-0.

Amendment (4668B)

Amend the bill by replacing section 1 with the following:

1 Information Required in Requests for Appropriations. Amend RSA 9:4 to read as follows:

9:4 Requests for Appropriations and Statement of Objectives. On or before October 1 prior to each biennial legislative session, all departments of the state shall transmit to the commissioner of administrative services, on blanks to be furnished by him, estimates of their expenditure requirements for each fiscal year of the ensuing biennium for administration, operation and maintenance, *including costs for workers' compensation and unemployment compensation*. [In addition, all departments of the state which shall be subject to legislative review under RSA 17-G during the next regular legislative session shall submit a detailed statement of their program goals and objectives during the next 6 fiscal years.] In case of the failure of any department to submit such estimates [or statements] within the time above specified, the commissioner of administrative services shall cause to be prepared such estimates [or statements] for such department as in his opinion are reasonable and proper.

AMENDED ANALYSIS

This bill amends the expenditure estimate which each state agency must submit to administrative services as part of the budget preparation process to include estimates of its expenditure requirements for workers' compensation and unemployment compensation costs for each fiscal year of the upcoming biennium.

The bill also deletes a reference to RSA 17-G which was repealed in 1987, and deletes the requirement that all state departments shall submit statements of their program goals and objectives as part of the budget preparation process.

HB 1333, requiring any municipality borrowing from the state water pollution control revolving loan fund program to provide the department of environmental services with evidence of its ability to repay the loan. **INEXPEDIENT TO LEGISLATE**

Rep. Merle W. Schotanus for Appropriations: This bill addresses an unfortunate funding problem for one municipality attempting to resolve the issue of payment for a water pollution control project. The requirements of this bill are, in practice, already part of state procedures for approving Water Pollution Control Revolving Fund loan requests, and it is, therefore, not needed. Vote 17-0.

CACR 30, relating to executive council members' compensation. Providing that each member of the executive council shall receive \$200 for the term elected, and shall receive the usual legislative mileage allowance for actual daily attendance at council meetings. **INEXPEDIENT TO LEGISLATE**

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The committee felt the duties of the executive councilors are such that they deserve greater compensation and that this amendment would necessitate an unwelcome change in our constitution. Vote 13-0.

CACR 31, relating to the appointment of county attorneys by the governor. Providing that beginning in 1997, county attorneys shall be appointed by the governor instead of elected, and shall serve under the direction of the attorney general. **INEXPEDIENT TO LEGISLATE**

Rep. Calvin Warburton for Constitutional and Statutory Revision: The County Attorney is a member of the County Administration. The committee felt that it is wrong to take the vote away from the electorate. Vote 13-0.

HB 1188, increasing the penalty for killing a police dog or police horse. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dana S. Hilliard for Corrections and Criminal Justice: After hearing lengthy testimony, the committee believes that the bill as amended would serve as a useful tool insuring that the unprotected members of a police force, "the police dogs and horses," would now be protected within our Judicial system. The amendment changes the penalty to a Class B Felony. Vote 12-0.

Amendment (4672B)

Amend RSA 644:8-d, II as inserted by section 1 of the bill by replacing it with the following:

II. Whoever willfully causes the death of a dog or horse owned or employed by or on behalf of a law enforcement agency shall be guilty of a class B felony.

HB 1218-FN-L, establishing maximum class sizes as currently specified in rules of the state board of education. **INEXPEDIENT TO LEGISLATE**

Rep. Suzan L. R. Franks for Education: Public school class size determination comes under the jurisdiction of the N.H. State Board of Education. Therefore, the committee supports the N.H. State Board of Education and its authority to make decisions on maximum class size and recommends unanimously that no legislative action is required. Vote 14-0.

HB 1499-FN, establishing a maximum class size of 20 students per teacher for all grade levels in the public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Robert McKinley for Education: Class size and state minimum standards are presently the responsibility of the State Board of Education and it would be inappropriate to override its authority by passage of this bill. Vote 15-0.

HB 1276, establishing a quality management council for state government. **INEXPEDIENT TO LEGISLATE**

Rep. J. Gregory McGrath for Executive Departments and Administration: The committee reported the bill out as Inexpedient to Legislate at the request of the sponsor. Vote 12-0.

HB 1158, relative to the state's policy regarding the review and assessment of new health services. **OUGHT TO PASS**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee unanimously supported the change of one word — "competition" to "collaboration" — in the state's policy regarding review and assessment of new health services. This is in keeping with changes in addressing health care in New Hampshire. Vote 13-0.

HB 1235, requiring an HIV test upon a third or subsequent conviction of prostitution. **INEXPEDIENT TO LEGISLATE**

Rep. Michael Morello for Health, Human Services and Elderly Affairs: Requiring convicted prostitutes to submit to an HIV test will not lessen the HIV problem because of confidentiality laws. Vote 13-0

HB 1249, relative to reporting diseases which may threaten the integrity of the blood supply. **INEXPEDIENT TO LEGISLATE**

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: The sponsor of this bill requested the committee recommend this legislation Inexpedient to Legislate since the intent of the bill is more effectively handled in SB 576. Vote 13-0.

HB 1445-FN-LOCAL, relative to patients requiring long-term care. **INEXPEDIENT TO LEGISLATE**

Rep. Alson W. Brown for Health, Human Services and Elderly Affairs: The unanimous vote was primarily because long-term care providers are doing an excellent job of notifying patients and relatives of the number of Medicaid-certified beds available in the facility. Patients are not turned away from facilities although personal funds become exhausted. Vote 13-0.

HCR 20, providing that long-term care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives. **OUGHT TO PASS**

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: HCR 20 received the unanimous support of the Committee. Vote 14-0.

HB 1163, relative to state immunity on land opened for recreational uses. **INEXPEDIENT TO LEGISLATE**

Rep. Edward M. Gordon for Judiciary: The committee found no compelling reason to exempt the state from liability for tortuous acts on publicly owned lands. The evidence did not support a need to deprive citizens of a right to remedy where the state has committed a negligent act. Vote 9-2.

HB 1164, requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody. **OUGHT TO PASS**

Rep. Robert A. Lockwood for Judiciary: HB 1164 is a procedural due-process issue which could call for a hearing on dangerousness, after which if the individual is declared to be dangerous to self or others, he could be detained in the state mental health services system. Vote 14-0.

HB 1291, limiting the jurisdiction over estates and guardianships by the probate courts. **INEXPEDIENT TO LEGISLATE**

Rep. Edward M. Gordon for Judiciary: This bill would change the way jurisdiction is determined in matters involving guardianships and estate administration. The committee received no evidence warranting a change in the current law. Vote 14-0.

HB 1383-L, relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction. **OUGHT TO PASS**

Rep. Joseph E. Stone for Municipal and County Government: This bill is the product of the Legislative Study Committee established by Chapter 152 Law of 1992. Theoretically, no municipality should be operating in a deficit and our laws do not provide any means of addressing a deficit. However, actual revenues received could be less than the anticipated revenue creating a deficit. This bill allows the town, school district or village district to appropriate funds to reduce a general budget deficit. It also requires the governing bodies of town, school districts and village districts to publish in the annual report, or post at annual meeting, the general fund balance. Vote 13-0.

HB 1450-L, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills. **OUGHT TO PASS**

Rep. Richard Noyes for Municipal and County Government: This enabling provision, which had no opposition in public hearing, would give the governing body of a town or city the option of making the most of postage dollars already spent. Vote 13-0.

HB 1430, repealing the annual commemorative rifle or shotgun lottery. **OUGHT TO PASS**

Rep. George R. Rubin for Public Protection and Veterans Affairs: The committee heard testimony from a representative of the Fish and Game Department. The "Lottery", as originally proposed, has an enormous cost and pits the Department of Fish and Game against other private organizations who use similar commissioned firearms as fund raisers. The administrative cost was estimated at \$30,000 plus, with an estimated return of \$18,000. The math tells the story. Ought to Pass was supported unanimously. Vote 13-0.

HB 1102, requiring all buildings built by public funds to have pitched roofs of at least 10 degrees. **INEXPEDIENT TO LEGISLATE**

Rep. Fredrik Peyron for Public Works: The Committee was in agreement with the idea of pitched roofs wherever possible. However, it may not be feasible at all times. An architect from the Department of Transportation, Mr. Paul Hedstrom, testified it is preferred if practical, and the Committee urges the construction of pitched roofs whenever possible. Vote 14-0.

HB 1197-FN, transferring the responsibility for public rest areas from the department of transportation to the office of vacation travel. **INEXPEDIENT TO LEGISLATE**

Rep. Fredrik Peyron for Public Works: Testimony from the Department of Resources and Economic Development and the Department of Transportation indicated both departments work very well together on this issue, and legislation was not necessary. Lack of funds has, in the past, hampered staffing rest areas fully. The Committee urges DRED to move ahead with added staffing, other tourist related information, and training for the rest area personnel. Vote 14-0.

HB 1217-FN-LOCAL, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges. **OUGHT TO PASS**

Rep. Sandra B. Keans for Public Works: If enacted, HB 1217 would require all municipal bridges constructed with state funds to meet legal carrying capacity. Any bridges presently at a 15-ton limit would be allowed to remain at that limit if rehabilitation work is done. The bill also allows one town or city to pay the total municipal share of bridge work should a bridge connect two municipalities, and one town does not wish to contribute to the program. Vote 13-0.

HB 1273-FN, prohibiting the department of transportation from rejecting a competitive bid for a capital project because the bid includes the use of recycled rubber for paving material. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Public Works: The Committee is in total agreement with the intent of this legislation to remove old tires from the landscape. However, the way to do this is to create a demand for their use. This legislation addresses only the statutes dealing with competitive bidding. Both the federal government and the state Department of Transportation have experiments on-going in an attempt to determine the quantity and composition of rubber that can be used in the making of asphalt. The current Intermodal Surface Transportation Efficiency Act (ISTEA) already has requirements for use of tires. Vote 12-0.

HB 1446-FN, requiring the state to accept the Union Leader building and authorizing the commissioner of administrative services to determine its best use. **INEXPEDIENT TO LEGISLATE**

Rep. Fredrik Peyron for Public Works: The prime sponsor testified that this bill was no longer needed, as the state is already moving ahead to take ownership of the Union Leader building and establish the Manchester District Court at that location. Vote 13-0.

HB 1460-FN, naming a portion of New Hampshire route 28 in Wolfeboro the Gary Parker Memorial Highway and naming a portion of New Hampshire route 25 in Rumney the Joseph Gearity Memorial Highway. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine D. Rogers for Public Works: HB 1460-FN would honor two state troopers killed in the line of duty in a tragic accident. While the Committee wishes to honor the officers, we believe a better method is the proposed Law Enforcement Memorial (HB 1231). The bill's prime sponsor and members of one officer's family have agreed to honor the officers in this method. Vote 13-0.

HB 1399, relative to the road toll on users of special fuel. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This is a housekeeping bill that changes all reference of "director" to "commissioner" in certain sections of Revised Statutes Annotated 260, relative to road tolls, as well as changing the gross weight requirements for pleasure vehicles registered in another state from less than 10,000 pounds to 10,000 pounds or less for purposes of exemption from the requirement for a special fuel user's license. Vote 15-0.

HB 1136, repealing the requirement that hunters expose the carcass of deer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles H. Felch, Sr. for Wildlife and Marine Resources: The committee felt that HB 1136 should pass as all testimony was unanimously in favor of the bill and the Fish and Game Department supported it. Vote 15-0.

Amendment (4628B)

Amend the bill by replacing section 3 with the following:
3 Effective Date. This act shall take effect upon its passage.

HB 1137, permitting the use of arrows without the name and address of the owner. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Wildlife and Marine Resources: Placing of an archer's name on his arrows is now promulgated by rules. The Fish and Game Department has agreed to review the rule and make necessary changes that are acceptable to all concerned. Legislation to accomplish this change is, therefore, unnecessary. Vote 12-0.

HB 1144-FN, permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles H. Felch, Sr. for Wildlife and Marine Resources: The Committee felt that HB 1144 is a tool for Fish and Game to better manage the size of the deer herd in any Wildlife Management Unit. Vote 15-0.

Amendment (4557B)

Amend the bill by replacing section 4 with the following:
4 Effective Date. This act shall take effect upon its passage.

HB 1221-L, prohibiting the taking of game on Sundays and enabling a municipality to adopt ordinances relative to certain hunting practices in its community. **INEXPEDIENT TO LEGISLATE**

Rep. Linda J. Smith for Wildlife and Marine Resources: The Committee appreciates the concerns of the land owners. However, the loss of revenue to the hospitality industry makes this bill prohibitive. In addition, precluding the taking of game on Sundays would, in effect, cut in half the hunting season for the working man and woman. Vote 13-0.

HB 1282, allowing coyote hunting at night. **OUGHT TO PASS WITH AMENDMENT**

Rep. Henry M. Coulombe for Wildlife and Marine Resources: The committee voted to pass HB 1282 to perhaps reduce the coyote population. Consequently, it should lower the predation costs to the livestock of New Hampshire. This bill was backed by Farm Bureau of New Hampshire and other farm organizations. Vote 12-0.

Amendment (4635B)

Amend RSA 208:1-e as inserted by section 2 of the bill by replacing it with the following:
208:1-e Coyote Hunting at Night. No person shall hunt or take any coyote between the hours of 1/2 hour after sunset and 1/2 hour before sunrise, except by trap in accordance with the provisions of this title, without first obtaining a valid license for such activities from the department of fish and game. The executive director of fish and game, with the consent of the commission, may establish, by rules adopted under RSA 541-A, a night hunting season for coyote. Such rules shall include, but not be limited to, the mode by which coyote may be taken, the length of the season, requirements for landowner permission, requirements for

reporting by hunters, sex limitations, and total take in one year. A person hunting coyotes at night shall be in possession of an electronic, hand-held or mouth operated predator calling device.

REGULAR CALENDAR

HB 1278-FN-A, making an appropriation to fund the position of state curator. **OUGHT TO PASS**

Rep. Franklin G. Torr for Appropriations: This bill re-establishes the position of state curator in the Department of Cultural Affairs. The position is responsible for the identification, evaluation, protection and interpretation of state-owned objects of historical significance. Vote 11-6.

Adopted and ordered to third reading.

HB 1516-FN-A, transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefor. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Appropriations: This bill transfers certain duties and powers from the state library to the Supreme Court and moves a judicial branch position in the law library to the state library for the purpose of indexing legislative documents. The bill appropriates \$10,893 in FY 1994 and \$39,580 in FY 1995 to the state library for the purposes of this act. In addition, a revolving fund is established from sales receipts, fees and fines, and grants for the law library expended with the approval of the Supreme Court. Vote 12-5.

Adopted and ordered to third reading.

CACR 26, relating to amending the New Hampshire constitution to provide that registers of probate be appointed instead of elected. Providing that registers of probate shall be appointed instead of elected. **INEXPEDIENT TO LEGISLATE**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: It was the consensus of the committee that the probate system was working well, and the current elective process should not be changed. Vote 11-2.

Adopted.

CACR 33, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roland E. Hemon for the Majority of Constitutional and Statutory Revision: The majority of the committee has observed that public interest and concern in biennial sessions has been consistently declining. At the last hearing, only one person came to testify for biennial sessions, the sponsor. The people's business in the judiciary and executive continues constantly, and this must be balanced by legislative scrutiny. Every election, about 1/3 of the legislators are replaced, and the productivity of the freshman legislators would be seriously circumscribed and less effective as a result of biennial sessions. Recent balloting by the people has supported annual sessions by at least 60 percent of the vote. Vote 8-5.

Rep. Randall F. Shaw for the Minority of Constitutional and Statutory Revision: The people have not had the opportunity to vote on this issue since they approved annual sessions. In each session since then, the legislature has refused to give them this opportunity. The minority strongly disagrees with Inexpedient to Legislate and urges this constitutional amendment be passed to give the people of our state another opportunity to vote on biennial sessions.

Rep. Shaw moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Pfaff spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 93 - NAYS 248

YEAS 93

BELKNAP

Cain, Thomas
Rice, Thomas, Jr.

Johnson, Carl

Laffam, Robert

Lawton, David

CARROLL

None

CHESHIRE

Hunt, John

Smith, Edwin

Young, David

COOS

Foss, Frederic

Pratt, Leighton

GRAFTON

Adams, Carl

Gordon, Edward

Rose, William

Trelfa, Richard

HILLSBOROUGH

Bagley, Amy

Bergeron, Normand

Borsa, Andrew

Burke, M. Virginia

Daniels, Gary

Desrosiers, William

Domaingue, Jacquelyn

Drolet, Paul

Gervais, Glen

Greenberg, Gary

Hart, Nick

Healy, Daniel

Holden, Carol

Holt, David

Hunter, Bruce

Jean, Loren

Kelley, Dana

Kurk, Neal

Lachut, Ervin

Martin, Mary Ellen

McRae, Karen

Mittelman, David

Moore, Elizabeth

Pepino, Leo

Peters, Stanley

Riley, Frances

Rothhaus, Finlay

Tate, Joan

Turgeon, Roland

Upton, Barbara

Weergang, Alida

Wells, Peter, Sr.

Wright, George

MERRIMACK

Barberia, Richard

Buessing, Marjorie

Chandler, Earle

Fillion, Paul

Holmes, Mary

Houlahan, Thomas

Langer, Ray

Newland, Matthew

Rogers, Katherine

Shaw, Randall

Stapleton, Henry

Teague, Bert

Whittemore, James

ROCKINGHAM

Battles, Marjorie

Beaulieu, Jon

Chester, Sherman

Cote, Charles

Crum, William, Jr.

Dube, LeRoy

Fesh, Robert

Flanders, David

Gorman, Donald

Hazelton, Robert

Hemenway, Thomas

Johnson, Robert

Katsakiores, Phyllis

Klemm, Arthur, Jr.

Kruse, Fred

Lee, Rebecca

Lovejoy, Marian

McKinney, Betsy

Moore, Benjamin

Noyes, Richard

Packard, Sherman

Pratt, Katharin

Pullman, Robert

Ritzo, Eugene

Rubin, George

Smith, Arthur

Stritch, C. Donald

Sytek, Donna

Sytek, John

Warburton, Calvin

Welch, David

STRAFFORD

Torr, Ralph

SULLIVAN

Rodeschin, Beverly

NAYS 248**BELKNAP**

Bartlett, Gordon

Campbell, Richard, Jr.

Dewhirst, Glenn

Golden, Paul

Hauck, William

Hawkins, Robert

Holbrook, Robert

Rosen, Ralph

Smith, Linda

Turner, Robert

Ziegra, Alice

CARROLL

Beach, Mildred

Bradley, Jeb

Chandler, Gene

Cogswell, Richard

Dickinson, Howard, Jr.

Foster, Robert

Lyman, L. Randy

Philbrick, Donald

Saunders, Howard

Wiggin, Gordon

CHESHIRE

Avery, Stephen

Bonneau, Sarah

Burnham, Daniel

Cole, Stacey

DePecol, Benjamin

Foster, Katherine

Kingsbury, H. Thayer

Lynch, Margaret

Manning, Joseph
Pearson, Gertrude
Royce, H. Charles

McGuirk, Paul
Perry, David
Russell, Ronald

McNamara, Wanda
Richardson, Barbara

Metzger, Katherine
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Merrill, Gerald

Horton, Lynn

Mayhew, Josephine

GRAFTON

Bean, Pamela
Brown, Patricia
Eaton, Stephanie
Larson, Nils, Jr.
Teschner, Douglass

Below, Clifton
Chase, Paul, Jr.
Guest, Robert
McIlwaine, Deborah
Wadsworth, Karen

Brown, Alson
Copenhaver, Marion
Ham, Bonnie
Nordgren, Sharon
Ward, Kathleen

Brown, Channing
Crory, Elizabeth
Hill, Richard
Scanlan, David

HILLSBOROUGH

Ahlgren, Madelyn
Arnold, Barbara
Bowers, Dorothy
Chabot, Robert
Daigle, Robert
Dyer, Merton
Franks, Suzan
Hall, Betty
Jasper, Shawn
Kirby, Thomas
Lefebvre, Roland
Mercer, Robert
Murphy, Robert
Philbrook, Paula
Rheault, Lillian
Smith, Leonard
Sullens, Joan
White, John

Allen, W. Gordon
Arnold, Thomas, Jr.
Buckley, Raymond
Clemons, Jane
Drabinowicz, A. Theresa
Fenton, James
Gagnon, Eugene
Hanselman, Gregory
Jean, Claudette
L'Heureux, Robert
Lown, Elizabeth
Messier, Irene
O'Rourke, Joanne
Plourde, Alphonse
Sallada, Roland
Soucy, Donna
Toomey, Kathryn

Amidon, Eleanor
Asselin, Robert
Calawa, Leon, Jr.
Cote, David
Durham, Susan
Fields, Dennis
Gosselin, Gerald
Holley, Sylvia
Johnson, Lionel
Laughlin, J. Francis
Lozeau, Donnalee
Milligan, Robert
Packard, Bonnie
Record, Alice
Sargent, Maxwell
Soucy, Richard
Vanderlosk, Stanley

Andrews, Frederick
Bergeron, Lucien
Cepaitis, Elizabeth
Cowenhoven, Garret
Dwyer, Patricia
Foster, Linda
Haettenschwiller, Alphonse
Holt, Mark
Kelley, Robert
Leclerc, Charles
McCarty, Winston
Morrisette, Roland
Perkins, Paul
Reidy, Frank
Searles, Stanley, Sr.
Stewart, Thomas
Wheeler, Robert

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Hall, Douglas
Mitchell, Vernon
Pfaff, Terence
Whalley, Michael

Carter, Susan
Feuerstein, Martin
Johnson, C. William
Moore, Carol
Regan, Maurice
Willis, Jack

Chandler, John
French, Barbara
Kidder, William
Nichols, Avis
Trombly, Rick
Yeaton, Charles

Daneault, Gabriel
Gilbreth, Robert
Lockwood, Robert
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Arndt, Janet
Bucu, Stephen
Christie, Andrew, Jr.
Conroy, Janet
Dowd, Sandra
Gage, Beverly
Kane, Cecelia
Malcolm, Kenneth
Pantelakos, Laura
Schanda, Joseph, Sr.
Stone, Joseph
Woods, Deborah

Bell, Juanita
Campbell, Marilyn
Clark, Martha
Cote, Patricia
Drake, Herbert
Groves, Bonnie
Katsakiores, George
McGovern, Cynthia
Putnam, Ed, II
Senter, Marilyn
Syracusa, Anthony
Yennaco, Carol

Blake, Daniel
Case, Margaret
Clark, Vivian
Crossman, Harold, Jr.
Flanagan, Natalie
Hurst, Sharleene
Klemarczyk, Thaddeus
Miller, Don
Raynowska, Bernard
Skinner, Patricia
Weyler, Kenneth

Boucher, William
Caswell, Albert, Jr.
Coes, Betsy
DiPietro, Carmela
Flanders, John, Sr.
Johnson, Bill
MacDonald, Maurice
O'Keefe, Patricia
Rosencrantz, James
Splaine, James
Williamson, William

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Chagnon, Ronald
Douglass, Clyde	Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia
Hashem, Elaine	Hemon, Roland	Hilliard, Dana	Keans, Sandra
Kincaid, William	Knowles, William	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda
Musler, George	Nehring, William	Pageotte, Donald	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Vincent, Francis	Wall, Janet
Wasson, Richard	Wheeler, Katherine		

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Kane, Joan	Lindblade, Eric
Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle	Stamatakis, Carol

and the motion failed.

Report adopted.

HB 1506-FN-L, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. LeRoy S. Dube for the Majority of Constitutional and Statutory Revision: This bill establishes election day registration. It is intended to exempt New Hampshire from the National Voter Registration Act and the large costs and confusion associated with it. The bill includes safeguards against voter fraud while allowing greater numbers of citizens to register and vote at the polling place on election day. The bill also establishes a study committee to fine tune problems that arise with election day registration and to study mail-in registration, especially in respect to disabled and elderly people. Vote 12-1.

Rep. Paula L. Philbrook for the Minority of Constitutional and Statutory Revision: The minority believes that qualified voters are entitled to every opportunity to register as fully provided in the National Voter Registration Act — mail-in registration and registration in state agencies. The bill as written will not fully implement the Act but takes advantage of a loophole. The National Act is a comprehensive bill which attempts to open up the democratic process to more people. As such, it should be fully implemented in its entirety. This report is written with the intent to raise awareness of the necessity for full implementation of the National Voter Registration Act. The minority hopes to encourage the study committee to expediently develop and implement a plan to give the voting public every opportunity to register.

Amendment (4660B)

Amend the bill by replacing all after section 1 with the following:

2 New Sections; Election Day Registration. Amend RSA 654 by inserting after section 7 the following new sections:

654:7-a Registering at the Polling Place; Election Day Registration.

I. The provisions of this section and those of RSA 654:7-b shall be used as an additional procedure for voter registration. A person who registers to vote on election day according to the provisions of this section shall also be required to complete the voter registration card provided for in RSA 654:7. The provisions of this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA 654 to the contrary.

II. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election. The applicant may be required to produce appropriate proof of qualifications as provided in RSA 654:12. The applicant shall complete an election day affidavit which shall be prescribed by the secretary of state, and which shall contain the following written oath or affirmation:

"I do hereby certify under penalty of perjury that to the best of my knowledge, I am a qualified voter, and that I am not disqualified on any ground from voting, and I have not voted and will not vote at any other polling place this election.

(signature of applicant)

654:7-b Effect of Registration on Election Day. Any person who registers to vote on election day according to the provisions of RSA 654:7-a shall be registered to vote at all subsequent town, state, and federal elections.

3 Committee Established to Study Voter Registration by Mail. A committee is established to study voter registration by mail as an alternative to in-person voter registration.

4 Membership and Compensation.

I. The members of the committee established in section 3 of this act shall be as follows:

(a) The secretary of state, or designee.

(b) The attorney general, or designee.

(c) Two members of the senate, appointed by the president of the senate, one of whom shall be from the majority party and one of whom shall be from the minority party.

(d) Two members of the house of representatives, appointed by the speaker of the house, one of whom shall be from the majority party and one of whom shall be from a minority party.

(e) One public member appointed by the governor, who shall represent the disabled population.

(f) One public member appointed by the governor, who shall represent citizen participation groups.

(g) One member appointed by the New Hampshire City and Town Clerks' Association.

II. Members of the committee shall not be compensated; however, legislative members shall receive mileage at the legislative rate.

5 Duties.

I. The committee established in section 3 of this act shall have the authority to study all aspects of voter registration by mail as an alternative to in-person voter registration. The study shall include, but shall not be limited to:

(a) An assessment of the usefulness of and necessity for voter registration by mail for the elderly and the physically challenged.

(b) The form of the voter registration card which shall be used for registration by mail.

(c) The distribution, forwarding, processing, and retention of voter registration cards.

(d) A determination of the fiscal impact, if any, upon municipalities resulting from election day registration.

(e) A determination if election day registration should be extended to municipal elections.

II. The committee shall have full power and authority to require from the several state departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it may deem necessary.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this act. Five members of the committee shall constitute a quorum.

7 Report. The committee shall report the results of its study, including its findings and recommendations and any proposed legislation to the governor, the senate president, and the speaker of the house of representatives no later than December 1, 1994, for submission in the 1995 legislative session.

8 Application; Election Day Registration. The provisions of section 2 of this act relative to voter registration at polling places on election day, shall be effective retroactively on March 10, 1993, and shall be deemed to have been in effect continuously since March 10, 1993.

9 Application; Special Elections. The provisions of section 2 of this act relative to voter registration at polling places on election day shall not be construed to apply to any special elections for any state office which occurred prior to the effective date of this act.

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits a person whose name is not on the checklist, but who is otherwise a qualified voter, to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election.

The bill also establishes a committee to study voter registration by mail as an alternative to in-person voter registration. The committee must file its report, together with any proposed legislation, no later than December 1, 1994.

Rep. Gilmore spoke in favor.

Adopted.

Rep. Fuller Clark offered a floor amendment.

Floor Amendment (4779B)

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. The purposes of this act, therefore, are to:

(a) Establish procedures that will increase the number of eligible citizens who vote in elections for state and federal offices.

(b) Protect the integrity of the electoral process.

(c) Ensure that accurate and current voter registration rolls are maintained.

(d) Make it possible for state and local government to enhance voter participation in elections for federal and state office.

Amend the bill by deleting section 8 and renumbering sections 9 and 10 to read as sections 8 and 9.

Rep. Fuller Clark spoke in favor and yielded to questions.

Rep. Holden spoke against.

Rep. Philbrook spoke in favor.

Rep. Gilmore spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the floor amendment.

YEAS 91 - NAYS 262**YEAS 91****BELKNAP**

Salatiello, Thomas

CARROLL

Wiggin, Gordon

CHESHIRE

Burnham, Daniel
Manning, Joseph
Russell, Ronald

DePecol, Benjamin
Richardson, Barbara

Foster, Katherine
Riley, William

Lynch, Margaret
Robertson, Timothy

COOS

Bradley, Paula

Mears, Edgar

GRAFTON

Copenhaver, Marion

Crory, Elizabeth

McIlwaine, Deborah

Nordgren, Sharon

HILLSBOROUGH

Ahlgren, Madelyn
Bergeron, Normand
Cote, David
Haettenschwiller, Alphonse
Johnson, Lionel
Martin, Mary Ellen
Nardi, Theodora
Plourde, Alphonse
Turgeon, Roland

Asselin, Robert
Buckley, Raymond
Domaingue, Jacquelyn
Hall, Betty
Laughlin, J. Francis
McCarty, Winston
O'Rourke, Joanne
Soucy, Donna

Bagley, Amy
Cepaitis, Elizabeth
Durham, Susan
Hanselman, Gregory
Lessard, Rudy
Milligan, Robert
Peters, Stanley
Soucy, Richard

Bergeron, Lucien
Clemons, Jane
Gervais, Glen
Hart, Nick
Lozeau, Donnalee
Morrissette, Roland
Philbrook, Paula
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Hall, Douglas
Rogers, Katherine
Yeaton, Charles

Daneault, Gabriel
Moore, Carol
Teague, Bert

Dunn, Miriam
Newland, Matthew
Wallner, Mary Jane

French, Barbara
Owen, Derek
Ward, Jay

ROCKINGHAM

Bell, Juanita
Kane, Cecelia
Rosencrantz, James
Vaughn, Charles

Caswell, Albert, Jr.
McGovern, Cynthia
Smith, Arthur

Clark, Martha
O'Keefe, Patricia
Splaine, James

Crossman, Harold, Jr.
Pantelakos, Laura
Syracusa, Anthony

STRAFFORD

Chagnon, Ronald
Keans, Sandra
Pelletier, Arthur

Dunlap, Patricia
Loder, Suzanne
Wheeler, Katherine

Hambrick, Patricia
McGrath, J. Gregory

Hilliard, Dana
Merrill, Amanda

SULLIVAN

Allison, David
Samatakis, Carol

Cloutier, John

Holl, Ann

Kane, Joan

NAYS 262**BELKNAP**

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph

Cain, Thomas
Hauck, William
Laflam, Robert
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Ziegra, Alice

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy

Cogswell, Richard
Mock, Henry

CHESHIRE

Avery, Stephen
Hunt, John
Metzger, Katherine
Smith, Edwin

Bonneau, Sarah
Kingsbury, H. Thayer
Pearson, Gertrude

Cole, Stacey
McGuirk, Paul
Perry, David

Delano, Robert
McNamara, Wanda
Royce, H. Charles

COOS

Coulombe, Henry
Mayhew, Josephine

Foss, Frederic
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Channing
Gordon, Edward
LaMott, Paul
Teschner, Douglass

Bean, Pamela
Brown, Patricia
Guest, Robert
Larson, Nils, Jr.
Trelfa, Richard

Below, Clifton
Chase, Paul, Jr.
Ham, Bonnie
Rose, William
Wadsworth, Karen

Brown, Alson
Eaton, Stephanie
Hill, Richard
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Allen, W. Gordon
Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Daniels, Gary
Dwyer, Patricia
Foster, Linda

Amidon, Eleanor
Borsa, Andrew
Chabot, Robert
Desrosiers, William
Dyer, Merton
Franks, Suzan

Andrews, Frederick
Bowers, Dorothy
Cowenhoven, Garret
Drabinowicz, A. Theresa
Fenton, James
Gagnon, Eugene

Arnold, Barbara
Burke, M. Virginia
Daigle, Robert
Drolet, Paul
Fields, Dennis
Gosselin, Gerald

Greenberg, Gary
Holt, David
Jean, Claudette
Kirby, Thomas
Leclerc, Charles
Mercer, Robert
Murphy, Robert
Record, Alice
Rothhaus, Finlay
Smith, Leonard
Upton, Barbara
Wheeler, Robert

Healy, Daniel
Holt, Mark
Jean, Loren
Kurk, Neal
Lefebvre, Roland
Messier, Irene
Packard, Bonnie
Reidy, Frank
Sallada, Roland
Stewart, Thomas
Vanderlosk, Stanley
White, John

Holden, Carol
Hunter, Bruce
Kelley, Dana
L'Heureux, Robert
Lown, Elizabeth
Mittelman, David
Pepino, Leo
Rheault, Lillian
Sargent, Maxwell
Sullens, Joan
Weergang, Alida
Wright, George

Holley, Sylvia
Jasper, Shawn
Kelley, Robert
Lachut, Ervin
McRae, Karen
Moore, Elizabeth
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Tate, Joan
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Chandler, John
Holmes, Mary
Langer, Ray
Pfaff, Terence
Trombly, Rick

Buessing, Marjorie
Feuerstein, Martin
Houlahan, Thomas
Lockwood, Robert
Regan, Maurice
Whalley, Michael

Carter, Susan
Fillion, Paul
Johnson, C. William
Mitchell, Vernon
Shaw, Randall
Whittemore, James

Chandler, Earle
Gilbreth, Robert
Kidder, William
Nichols, Avis
Stapleton, Henry
Willis, Jack

ROCKINGHAM

Arndt, Janet
Boucher, William
Chester, Sherman
Conroy, Janet
DiPietro, Carmela
Felch, Charles, Sr.
Flanders, John, Sr.
Hazelton, Robert
Johnson, Robert
Klemm, Arthur, Jr.
MacDonald, Maurice
Moore, Benjamin
Pratt, Katharin
Ritzo, Eugene
Skinner, Patricia
Sytek, John
Williamson, William

Battles, Marjorie
Buco, Stephen
Christie, Andrew, Jr.
Cote, Charles
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Hemenway, Thomas
Katsakiores, George
Kruse, Fred
Malcolm, Kenneth
Newman, Rick
Pullman, Robert
Rubin, George
Stone, Joseph
Warburton, Calvin
Woods, Deborah

Beaulieu, Jon
Campbell, Marilyn
Clark, Vivian
Cote, Patricia
Drake, Herbert
Flanagan, Natalie
Gorman, Donald
Hurst, Sharleene
Katsakiores, Phyllis
Lee, Rebecca
McKinney, Betsy
Noyes, Richard
Putnam, Ed, II
Schanda, Joseph, Sr.
Stitch, C. Donald
Welch, David
Yennaco, Carol

Blake, Daniel
Case, Margaret
Coes, Betsy
Crum, William, Jr.
Dube, LeRoy
Flanders, David
Groves, Bonnie
Johnson, Bill
Klemarczyk, Thaddeus
Lovejoy, Marian
Miller, Don
Packard, Sherman
Raynowska, Bernard
Senter, Merilyn
Sytek, Donna
Weyler, Kenneth

STRAFFORD

Brown, George
Gilmore, Gary
Knowles, William
Musler, George
Rogers, Rose Marie
Torr, Ann
Wall, Janet

Brown, Julie
Hashem, Elaine
Lundborn, Raymond
Nehring, William
Snyder, Clair
Torr, Franklin
Wasson, Richard

Callaghan, Frank
Hemon, Roland
McCann, William, Jr.
Pageotte, Donald
Spear, Barbara
Torr, Ralph

Douglass, Clyde
Kincaid, William
McKinley, Robert
Pelletier, Marsha
Sullivan, Henry
Vincent, Francis

SULLIVAN

Behrens, Thomas
Palmer, Lorraine

Burling, Peter
Peyron, Fredrik

Flint, Gordon
Rodeschin, Beverly

Lindblade, Eric
Schotanus, Merle

and the amendment failed.

Report adopted and ordered to third reading.

HB 1296, establishing a committee to examine and introduce legislation consolidating the county departments of corrections with the state department of corrections. **INEXPEDIENT TO LEGISLATE**

Rep. Vivian R. Clark for Corrections and Criminal Justice: The committee feels that the intent of this bill is already being accomplished within the study of projected corrections needs that was commissioned during the 1993 legislative session. The sponsor of this bill was not aware that his concern had already been addressed. Vote 10-2.

Rep. Lozeau yielded to questions.

Adopted.

HB 1335-FN, making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donnalee Lozeau for Corrections and Criminal Justice: This bill changes the statute to conform to the current practice (recommended by the Fiscal Committee) of having the Department of Justice, instead of the courts, pay witness fees. The fiscal note indicates that the bill may reduce state general fund expenditures. The obsolete provisions being repealed are relative to travel allowances on ferries and toll bridges. The amendment makes the bill effective upon passage. Vote 12-0.

Amendment (4615B)

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

HB 1219, requiring that state publications be written and printed in English. **INEXPEDIENT TO LEGISLATE**

Rep. J. Gregory McGrath for Executive Departments and Administration: The majority of the committee felt that this bill tries to solve a problem that does not exist and would impose undue burdens on state agencies that have an occasional need to publish documents in languages other than English. Vote 7-5.

Rep. Weyler moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. McGrath spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 123 - NAYS 222

YEAS 123

BELKNAP

Cain, Thomas	Dewhirst, Glenn	Golden, Paul	Hawkins, Robert
Johnson, Carl	Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph
Ziegra, Alice			

CARROLL

Cogswell, Richard	Foster, Robert	Lyman, L. Randy	Mock, Henry
Saunders, Howard			

CHESHIRE

Avery, Stephen	Foster, Katherine	Kingsbury, H. Thayer	Manning, Joseph
Metzger, Katherine	Pearson, Gertrude	Perry, David	Royce, H. Charles

COOS

Coulombe, Henry	Merrill, Gerald
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GRAFTON

Hill, Richard	Rose, William	Trelfa, Richard
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HILLSBOROUGH

Arnold, Thomas, Jr.	Bergeron, Lucien	Bergeron, Normand	Borsa, Andrew
Burke, M. Virginia	Chabot, Robert	Fenton, James	Gosselin, Gerald

Greenberg, Gary
Hunter, Bruce
Lachut, Ervin
Rheault, Lillian
Sullens, Joan
Wells, Peter, Sr.

Hart, Nick
Jean, Loren
Lefebvre, Roland
Riley, Frances
Tate, Joan
Wright, George

Holley, Sylvia
Kelley, Dana
Martin, Mary Ellen
Rothhaus, Finlay
Vanderlosk, Stanley

Holt, David
L'Heureux, Robert
Peters, Stanley
Sallada, Roland
Weergang, Alida

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Mitchell, Vernon
Stapleton, Henry

Buessing, Marjorie
Houlahan, Thomas
Owen, Derek
Ward, Jay

Chandler, Earle
Kennedy, Richard
Regan, Maurice
Whalley, Michael

Chandler, John
Langer, Ray
Shaw, Randall
Willis, Jack

ROCKINGHAM

Arndt, Janet
Chester, Sherman
Crossman, Harold, Jr.
Flanders, John, Sr.
Klemarczyk, Thaddeus
McKinney, Betsy
Pantelakos, Laura
Rosencrantz, James
Stone, Joseph
Welch, David

Beaulieu, Jon
Christie, Andrew, Jr.
Crum, William, Jr.
Gage, Beverly
Kruse, Fred
Moore, Benjamin
Pullman, Robert
Rubin, George
Sytek, Donna
Weyler, Kenneth

Buco, Stephen
Clark, Vivian
DiPietro, Carmela
Hazelton, Robert
Lovejoy, Marian
Noyes, Richard
Putnam, Ed, II
Schanda, Joseph, Sr.
Sytek, John
Williamson, William

Campbell, Marilyn
Cote, Charles
Fesh, Robert
Kane, Cecelia
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Smith, Arthur
Warburton, Calvin

STRAFFORD

Brown, Julie
Pelletier, Marsha
Wasson, Richard

Chagnon, Ronald
Snyder, Clair

Douglass, Clyde
Sullivan, Henry

McKinley, Robert
Torr, Ralph

SULLIVAN

Lindblade, Eric

Peyron, Fredrik

NAYS 222

BELKNAP

Bartlett, Gordon
Salatiello, Thomas

Campbell, Richard, Jr.
Smith, Linda

Hauck, William
Turner, Robert

Holbrook, Robert

CARROLL

Beach, Mildred
Philbrick, Donald

Bradley, Jeb
Wiggin, Gordon

Chandler, Gene

Dickinson, Howard, Jr.

CHESHIRE

Bonneau, Sarah
Delano, Robert
McNamara, Wanda
Smith, Edwin

Burnham, Daniel
Hunt, John
Richardson, Barbara

Cole, Stacey
Lynch, Margaret
Riley, William

DePecol, Benjamin
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Mayhew, Josephine

Foss, Frederic
Mears, Edgar

Guay, Lawrence
Pratt, Leighton

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Channing
Gordon, Edward
McIlwaine, Deborah
Wadsworth, Karen

Bean, Pamela
Brown, Patricia
Guest, Robert
Nordgren, Sharon
Ward, Kathleen

Below, Clifton
Copenhaver, Marion
Ham, Bonnie
Scanlan, David

Brown, Alson
Eaton, Stephanie
Larson, Nils, Jr.
Teschner, Douglass

HILLSBOROUGH

Ahlgren, Madelyn	Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara
Asselin, Robert	Bagley, Amy	Bowers, Dorothy	Buckley, Raymond
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Clemons, Jane	Cote, David
Cowenhoven, Garret	Daigle, Robert	Daniels, Gary	Desrosiers, William
Domaigne, Jacquelyn	Drabinowicz, A. Theresa	Drolet, Paul	Durham, Susan
Dwyer, Patricia	Dyer, Merton	Fields, Dennis	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gervais, Glen	Haettenschwiller, Alphonse
Hall, Betty	Hanselman, Gregory	Healy, Daniel	Holden, Carol
Holt, Mark	Jasper, Shawn	Jean, Claudette	Johnson, Lionel
Kelley, Robert	Kirby, Thomas	Laughlin, J. Francis	Leclerc, Charles
Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee	McCarty, Winston
McRae, Karen	Mercer, Robert	Messier, Irene	Mittelman, David
Moore, Elizabeth	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Rourke, Joanne	Packard, Bonnie	Pepino, Leo	Perkins, Paul
Philbrook, Paula	Plourde, Alphonse	Record, Alice	Reidy, Frank
Sargent, Maxwell	Searles, Stanley, Sr.	Smith, Leonard	Soucy, Donna
Soucy, Richard	Stewart, Thomas	Toomey, Kathryn	Turgeon, Roland
Upton, Barbara	Wheeler, Robert	White, John	

MERRIMACK

Braiterman, Thea	Carter, Susan	Daneault, Gabriel	Dunn, Miriam
Fillion, Paul	French, Barbara	Hall, Douglas	Holmes, Mary
Johnson, C. William	Kidder, William	Lockwood, Robert	Moore, Carol
Newland, Matthew	Nichols, Avis	Pfaff, Terence	Rogers, Katherine
Teague, Bert	Trombly, Rick	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Bell, Juanita	Blake, Daniel
Boucher, William	Case, Margaret	Caswell, Albert, Jr.	Clark, Martha
Coes, Betsy	Conroy, Janet	Cote, Patricia	Dowd, Sandra
Dowling, Patricia	Drake, Herbert	Dube, LeRoy	Flanagan, Natalie
Flanders, David	Gorman, Donald	Groves, Bonnie	Hemenway, Thomas
Hurst, Sharleene	Johnson, Bill	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Lee, Rebecca	MacDonald, Maurice
McGovern, Cynthia	Miller, Don	O'Keefe, Patricia	Pratt, Katharin
Ritzo, Eugene	Senter, Merilyn	Skinner, Patricia	Splaine, James
Stritch, C. Donald	Syracusa, Anthony	Vaughn, Charles	Woods, Deborah
Yennaco, Carol			

STRAFFORD

Brown, George	Callaghan, Frank	Dunlap, Patricia	Gilmore, Gary
Hambrick, Patricia	Hashem, Elaine	Hemon, Roland	Hilliard, Dana
Keans, Sandra	Kincaid, William	Knowles, William	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory	Merrill, Amanda
Musler, George	Nehring, William	Pageotte, Donald	Pelletier, Arthur
Rogers, Rose Marie	Spear, Barbara	Torr, Ann	Torr, Franklin
Vincent, Francis	Wall, Janet	Wheeler, Katherine	

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Kane, Joan	Palmer, Lorraine
Rodeschin, Beverly	Schotanus, Merle	Stamatakis, Carol	

and the motion failed.

Report adopted.

HB 1372, establishing the granite state cultural legacy award. OUGHT TO PASS

Rep. Raymond A. Lundborn for Executive Departments and Administration: The majority of the committee felt that the Granite State Legacy Award sponsored by the New Hampshire Legislature would be a strong recognition of an individual, group or community which has made an outstanding contribution to the promotion of cultural appreciation and achievement within the state. Vote 9-3.

Rep. Kathleen Ward moved to Recommit to Committee.

Adopted.

HB 1153-FN, adopting the revised Uniform Enforcement of Foreign Judgments Act. OUGHT TO PASS

Rep. David Mittelman for Judiciary: The United States Constitution provides for full faith and credit between the states; a state must accept the judgment of another state unless the constitutionality of that decision is challenged. The current New Hampshire law requires the plaintiff to file suit in our courts to enforce a foreign judgment. This bill allows the plaintiff to register the judgment rather than initiate a lawsuit. However, the debtor does not lose any rights under this bill; if the debtor objects to the judgment for constitutional reasons, the debtor is still entitled to a hearing. Therefore, this bill expedites the current procedure without affecting the debtor's rights. Vote 13-2.

Adopted.

HB 1166, relative to minutes and decisions of nonpublic sessions under the right to know law. INEXPEDIENT TO LEGISLATE

Rep. David Mittelman for Judiciary: This bill would double the amount of time in which minutes of non-public sessions must be made available to the public. The committee feels that the current length of time for disclosure, 72 hours, reasonably balances the needs of government officials with the public's right to know. Vote 14-1.

Adopted.

HB 1176-FN, requiring a writ of habeas corpus to be filed in the superior court of the county in which the person is incarcerated. OUGHT TO PASS

Rep. Edward M. Gordon for Judiciary: The committee found that holding habeas corpus hearings in the county of incarceration would not prejudice the rights of defendants. However, holding such hearings in the county of incarceration may result in substantial transportation savings to the counties and may improve the ability of courts to schedule times. Vote 9-4.

Adopted.

HB 1200-FN, relative to compensation paid for property taken by eminent domain in New Hampshire. REFER FOR INTERIM STUDY

Rep. Benjamin J. DePecol for Judiciary: The majority of the committee believes that this is a very complicated issue with far-reaching ramifications. The Committee would like time to study all aspects of the issue. Vote 11-3.

Adopted.

HR 46, urging that impeachment proceedings be instituted against Strafford county probate judge Gary R. Cassavechia. INEXPEDIENT TO LEGISLATE

Reps. Lown, Lockwood, Woods, Gilbreth, Record, Battles, Allison, Mock, E. Moore, Murphy, Wall, Newman, DePecol, Mittelman, DiPietro, Rothhaus and Gordon for Judiciary: After receiving extensive testimony, the Committee found no evidence that Judge Cassavechia had committed any act constituting corruption, malpractice or maladministration of office. Therefore, the Committee determined that there is no basis for initiating impeachment proceedings. Vote 17-0.

Rep. Hemon moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Healy spoke against.

Rep. Gordon requested a quorum count. The Speaker declared a quorum present.

Rep. Gordon spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 1 - NAYS 352**YEAS 1****BELKNAP**

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

None

MERRIMACK

None

ROCKINGHAM

None

STRAFFORD

Hemon, Roland

SULLIVAN

None

NAYS 352**BELKNAP**

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph
Ziegler, Alice

Cain, Thomas
Hauck, William
Laflam, Robert
Salatiello, Thomas

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Smith, Linda

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Mock, Henry

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Russell, Ronald

Bonneau, Sarah
Delano, Robert
Lynch, Margaret
Metzger, Katherine
Riley, William
Smith, Edwin

Burnham, Daniel
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Robertson, Timothy
Young, David

Cole, Stacey
Hunt, John
McGuirk, Paul
Perry, David
Royce, H. Charles

COOS

Bradley, Paula
Horton, Lynn

Coulombe, Henry
Mayhew, Josephine

Foss, Frederic
Mears, Edgar

Guay, Lawrence
Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Channing
Eaton, Stephanie
Hill, Richard
Rose, William
Wadsworth, Karen

Bean, Pamela
Brown, Patricia
Gordon, Edward
Larson, Nils, Jr.
Scanlan, David

Below, Clifton
Chase, Paul, Jr.
Guest, Robert
McIlwaine, Deborah
Teschner, Douglass

Brown, Alson
Copenhaver, Marion
Ham, Bonnie
Nordgren, Sharon
Trelfa, Richard

HILLSBOROUGH

Ahlgren, Madelyn
Arnold, Barbara
Bergeron, Lucien
Buckley, Raymond
Chabot, Robert
Daigle, Robert
Drabinowicz, A. Theresa
Dyer, Merton
Franks, Suzan
Greenberg, Gary
Hart, Nick
Holt, David
Jean, Claudette
Kelley, Robert
Lachut, Ervin
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Murphy, Robert
Pepino, Leo
Plourde, Alphonse
Riley, Frances
Searles, Stanley, Sr.
Stewart, Thomas
Turgeon, Roland
Wells, Peter, Sr.

Allen, W. Gordon
Arnold, Thomas, Jr.
Bergeron, Normand
Burke, M. Virginia
Clemons, Jane
Daniels, Gary
Drolet, Paul
Fenton, James
Gagnon, Eugene
Haettenschwiller, Alphonse
Healy, Daniel
Holt, Mark
Jean, Loren
Kirby, Thomas
Laughlin, J. Francis
Lown, Elizabeth
McRae, Karen
Mittelman, David
Nardi, Theodora
Perkins, Paul
Record, Alice
Rothhaus, Finlay
Smith, Leonard
Sullens, Joan
Upton, Barbara
Wheeler, Robert

Amidon, Eleanor
Asselin, Robert
Borsa, Andrew
Calawa, Leon, Jr.
Cote, David
Desrosiers, William
Durham, Susan
Fields, Dennis
Gervais, Glen
Hall, Betty
Holden, Carol
Hunter, Bruce
Johnson, Lionel
Kurk, Neal
Leclerc, Charles
Lozeau, Donna Lee
Mercer, Robert
Moore, Elizabeth
O'Rourke, Joanne
Peters, Stanley
Reidy, Frank
Sallada, Roland
Soucy, Donna
Tate, Joan
Vanderloosk, Stanley
White, John

Andrews, Frederick
Bagley, Amy
Bowers, Dorothy
Cepaitis, Elizabeth
Cowenhoven, Garret
Domaingue, Jacquelyn
Dwyer, Patricia
Foster, Linda
Gosselin, Gerald
Hanselman, Gregory
Holley, Sylvia
Jasper, Shawn
Kelley, Dana
L'Heureux, Robert
Lefebvre, Roland
Martin, Mary Ellen
Messier, Irene
Morrisette, Roland
Packard, Bonnie
Philbrook, Paula
Rheault, Lillian
Sargent, Maxwell
Soucy, Richard
Toomey, Kathryn
Weergang, Alida
Wright, George

MERRIMACK

Barberia, Richard
Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Kennedy, Richard
Mitchell, Vernon
Owen, Derek
Shaw, Randall
Wallner, Mary Jane
Willis, Jack

Braiterman, Thea
Chandler, John
Fillion, Paul
Holmes, Mary
Kidder, William
Moore, Carol
Pfaff, Terence
Stapleton, Henry
Ward, Jay
Yeaton, Charles

Buessing, Marjorie
Daneault, Gabriel
French, Barbara
Houlahan, Thomas
Langer, Ray
Newland, Matthew
Regan, Maurice
Teague, Bert
Whalley, Michael

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Johnson, C. William
Lockwood, Robert
Nichols, Avis
Rogers, Katherine
Trombly, Rick
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Campbell, Marilyn
Christie, Andrew, Jr.
Conroy, Janet
Crum, William, Jr.
Drake, Herbert
Flanagan, Natalie

Arndt, Janet
Blake, Daniel
Case, Margaret
Clark, Martha
Cote, Charles
DiPietro, Carmela
Dube, LeRoy
Flanders, David

Battles, Marjorie
Boucher, William
Caswell, Albert, Jr.
Clark, Vivian
Cote, Patricia
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.

Beaulieu, Jon
Bucio, Stephen
Chester, Sherman
Coes, Betsy
Crossman, Harold, Jr.
Dowling, Patricia
Fesh, Robert
Gage, Beverly

Gorman, Donald	Groves, Bonnie	Hazelton, Robert	Hemenway, Thomas
Hurst, Sharleene	Hutchinson, Karen	Johnson, Bill	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Klemarczyk, Thaddeus
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Lovejoy, Marian
MacDonald, Maurice	Malcolm, Kenneth	McGovern, Cynthia	McKinney, Betsy
Miller, Don	Moore, Benjamin	Newman, Rick	Noyes, Richard
O'Keefe, Patricia	Packard, Sherman	Pantelakos, Laura	Pratt, Katharin
Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard	Ritzo, Eugene
Rosencrantz, James	Rubin, George	Schanda, Joseph, Sr.	Senter, Merilyn
Skinner, Patricia	Smith, Arthur	Splaine, James	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna	Sytek, John
Vaughn, Charles	Warburton, Calvin	Welch, David	Weyler, Kenneth
Williamson, William	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Chagnon, Ronald
Douglass, Clyde	Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia
Hashem, Elaine	Hilliard, Dana	Keans, Sandra	Kincaid, William
Knowles, William	Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.
McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda	Musler, George
Nehring, William	Pageotte, Donald	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Vincent, Francis	Wall, Janet
Wasson, Richard	Wheeler, Katherine		

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Kane, Joan	Lindblade, Eric
Palmer, Lorraine	Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle
Stamatakis, Carol			

and the motion failed.

Report adopted.

REMARKS

Rep. Copenhagen moved that the remarks of Rep. Gordon be printed in the Journal.

Adopted.

Thank you Mr. Speaker and members of the House. I would like to begin by thanking and recognizing the senior Representative in the House, Representative Healy for his endorsement of the Committee report.

I speak in opposition, on behalf of the Committee, to the substitute motion of Ought to Pass. House Resolution 46 is an important matter to be considered by the House as the Speaker stated earlier. It calls upon the House to take an important action — to find if impeachment proceedings should be initiated against a public official, Gary R. Cassavechia. Mr. Cassavechia is an appointed probate judge sitting in the county of Strafford.

The House Judiciary Committee heard extensive and spirited testimony from both Rep. Hemon, the sponsor of the bill and also from a representative of the Probate Court system. Judge Cassavechia could not appear on his own behalf because the allegation made against him involves an ongoing case in his court. There were other people who testified, although I would classify their testimony as indirect as to the allegation that has been made by Rep. Hemon.

The Judiciary Committee in considering House Resolution 46, decided to cut through the rhetoric and emotions and evaluate it objectively on the merits. In order to report to this legislature that this measure was acceptable for passage, the Committee would have to find that Judge Cassavechia engaged in acts constituting corruption, malpractice or maladministration of office and that is the standard that Rep. Hemon correctly set forth which is found in Part II, article 38 of the New Hampshire Constitution.

On considering the testimony and evidence presented, even viewing that evidence in a light most favorable to Rep. Hemon, the Committee found no evidence that Gary R. Cassavechia engaged in any conduct amounting to corruption, malpractice or maladministration of office.

The specific allegation set forth by Rep. Hemon arises from a legal dispute involving the custody and the estate of his late mother. These proceedings have been going on for nearly 10 years. After these proceedings produced a result which was unfavorable to Rep. Hemon, he asked the Judge to declare the proceedings void and the reason they were void was because the Court lacked jurisdiction to have held the proceedings in the first place. He claimed that his mother was actually a resident of Maine. Although she had spent some time living with him in Dover, her actual residence was in fact in Maine. Therefore, the Court never had jurisdiction and these proceedings should be void. Judge Cassavechia ruled that the Court did have jurisdiction. That is the sole substantive issue which the Committee dealt with. It is the sole allegation against Judge Cassavechia in calling for this impeachment.

In evaluating the claim the Committee considered the statutory law. We had a bill coincidentally that came in at the same time that asked us to reconsider the residency requirement. But after reviewing the statute, it was the Committee's considered opinion that Judge Cassavechia couldn't be found to be in error in declaring that that person was a resident. Furthermore, and perhaps the most compelling evidence the Committee received were pleadings that were submitted by Rep. Hemon himself. In those pleadings he stated that his mother had lived in Dover with him for nearly two years at the time the proceedings were initiated. He specifically acknowledged at that time that the Court had jurisdiction.

In conclusion, the Committee found no credible evidence that would justify impeachment proceedings against Gary R. Cassavechia. As you will note, the Committee voted 17 to 0. I think we can count on an 18th vote at this point in time, inexpedient to legislate. The Committee members felt so strongly about their recommendation that each and every Committee member wanted to have his and her name added to the report which you find in your Calendar.

On a personal note, I don't know Judge Cassavechia. I have never appeared in his Court. If he walked through the door now as I am speaking I would not recognize him. But, I do know him by reputation. I know him by reputation to be a competent and conscientious Probate Judge.

In the testimony before our Committee, it was made known to us that Judge Cassavechia, as you might expect, is very concerned about this bill and rightly so. I think you can understand his concern. The allegations that have been made against him, he feels, have a potential to taint his reputation and to diminish his esteem in the eyes of the public. I hope that through our vote today we will send a strong message to Judge Cassavechia, and the public in general, which I think is important, that this House will not be used to sully the good name of a conscientious public official.

I urge you to vote no on the substitute motion of ought to pass. Thank you very much. Thank you Mr. Speaker.

REGULAR CALENDAR (Cont'd.)

HB 1579-FN-A-L, relative to safety and managed care under the workers' compensation law and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill: (1) Requires workers' compensation managed care programs to include injury management facilitators and requires the commissioner of labor to continually review such programs. (2) Requires an employer to develop temporary alternative work opportunities for injured employees. (3) Requires reinstatement of an injured employee to such employee's former position under certain conditions. (4) Changes the weekly compensation for temporary total disability, permanent total disability, and temporary partial and permanent partial disability and changes the weekly compensation and the maximum amount of weeks for permanent partial disability and temporary partial disability. (5) Requires at least 12 months of continuous disability or a special determination by the labor commissioner before a lump sum agreement can be approved. (6) Requires health care providers who conduct independent medical examinations to be board certified in their area of specialty. Under normal circumstances, examinations

would have to be provided within a 50-mile radius of the employee's residence. (7) Adds a time limitation for petitioning for a hearing under the workers' compensation chapter. (8) Requires the commissioner to include certain safety data in the report due on October 1 of each odd-numbered year. (9) Requires employers with five or more employees to establish joint loss management committees relative to safety in the workplace. (10) Imposes administrative penalties for noncompliance with the provisions of the law relative to workplace safety. (11) Creates a safety incentive program for employers insured in the residual market who have annual workers' compensation insurance premiums of \$2,500 or more. A loss management consultant panel would be responsible for the certification of loss management consultants. (12) Establishes new positions in the department of labor related to employee safety. The Fiscal Note calls for state expenditures of \$228,157 in FY95 and \$184,033 in FY96. Vote 13-0.

Amendment (4613B)

Amend the bill by replacing section 28 with the following:
28 Effective Date.

I. RSA 281-A:64, III as inserted by section 19 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect upon its passage.

Reps. Hawkins and Turner yielded to questions.

Adopted.

Report adopted and referred to Appropriations.

HB 1119, authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus. **OUGHT TO PASS**

Rep. John Cloutier for Public Works: Testimony indicated there were health concerns at the present site of the state day care center, and a move seems to be warranted. Although the Committee felt the move was important due to health considerations involving children, it generally is not supportive of unexpended balances from previously approved capital projects without going through the capital budget process. Vote 13-1.

Adopted and ordered to third reading.

HB 1141-FN-A, eliminating cigarette stamps. **OUGHT TO PASS**

Rep. Alphonse O. Plourde for Ways and Means: saves the Department of Revenue Administration approximately \$600,000 per year. New Hampshire would be the only state east of Michigan without tax stamps, and therefore, would not create an increased problem with contraband cigarettes coming into New Hampshire. Vote 16-0.

Adopted and ordered to third reading.

HB 1271-FN, eliminating southbound tolls at exits 10, 11 and 12 on the Everett turnpike. **INEXPEDIENT TO LEGISLATE**

Rep. Fredrik Peyron for Public Works: The dramatic loss of revenue estimated at \$1.1 million, plus an \$800,000 expense to remove the barriers makes this measure very difficult to support. It is very difficult to make small changes in the revenue stream of the turnpike division without significant impacts to local traffic and payment of the revenue bonds. The Committee will be hearing other turnpike and toll measures including a bill supporting a study of the overall system. Further action can be taken at that time. Vote 15-0.

Rep. Greenberg moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Gene Chandler spoke against.

Roll call request not sufficiently seconded.

On a division vote, 43 members having voted in the affirmative and 300 in the negative the motion failed.

Report adopted.

REVENUE ESTIMATES

Rep. Barbara Arnold presented the Revenue Estimates and yielded to questions.

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LBAO
01/21/94

State of New Hampshire
Ways and Means Committee Report
to the House of Representatives

GENERAL FUND	FY 1993 ACTUAL RECEIVED	FY 1994 OFFICIAL ESTIMATE	FY 1994 RECEIVED TO DATE 12/31/93	FY 1995 OFFICIAL ESTIMATE
BEER	11,170,101	11,500,000	6,115,331	12,000,000
BOARD AND CARE	35,882,081	68,725,000	33,697,534	78,210,000
UNCOMPENSATED CARE POOL	160,759,111	42,075,000	42,015,657	45,025,000
BUSINESS PROFITS TAX	119,454,080	119,550,000	46,428,423	118,300,000
BUSINESS ENTERPRISE TAX	0	24,700,000	1,581,570	27,100,000
ESTATE AND LEGACY TAXES	32,006,082	33,000,000	15,100,655	35,000,000
INSURANCE	38,466,098	40,200,000	17,327,107	41,200,000
SECURITIES REVENUE	9,754,427	9,800,000	2,514,842	9,800,000
INTEREST AND DIVIDENDS TAX	35,662,683	38,800,000	13,783,478	39,800,000
LIQUOR	63,216,862	64,000,000	36,860,735	64,000,000
MEALS AND ROOMS TAXES	95,061,096	214,150,000	86,701,445	220,950,000
PARKS INCOME	5,094,143	5,000,000	1,454,608	5,000,000
DOG RACING	4,081,775	4,000,000	1,808,393	4,000,000
HORSE RACING	2,415,766	2,800,000	1,538,485	2,800,000
REAL ESTATE TRANSFER TAX	27,276,954	30,000,000	15,608,007	32,000,000
TELEPHONE	29,621,244	30,000,000	15,554,547	33,000,000
CIGARETTE TAX	40,991,087	43,500,000	22,376,871	45,000,000
UTILITIES	21,076,865	18,500,000	7,020,882	19,500,000
OTHER	39,049,037	37,100,000	14,517,580	38,100,000
COURTS	19,342,813	21,000,000	9,653,270	21,000,000
SAVINGS BANK TAX	3,039,648	0	(156,982)	0
TOTAL	793,421,953	858,400,000	391,502,438	891,785,000
	=====	=====	=====	=====
HIGHWAY FUND				
GASOLINE ROAD TOLL	95,922,031	97,563,000	51,685,682	99,537,000
MOTOR VEHICLE FEES	55,220,569	56,070,000	28,116,165	56,729,000
MISCELLANEOUS	7,230,810	8,774,000	3,837,036	8,764,000
TOTAL	158,373,410	162,407,000	83,638,883	165,030,000
	=====	=====	=====	=====
FISH AND GAME FUND				
FISH AND GAME LICENSES	5,834,967	5,816,000	3,027,692	5,816,000
FINES AND PENALTIES	87,508	89,000	52,730	89,000
MISCELLANEOUS SALES	513,540	166,000	53,510	166,000
INDIRECT COSTS	278,865	270,000	171,791	270,000
TOTAL	6,714,880	6,341,000	3,305,723	6,341,000
	=====	=====	=====	=====

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 3, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 628-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons.

HR 42, urging the Ozone Transport Commission to not recommend that the EPA mandate an ozone reduction and air quality program without prior legislative authorization from member states.

HB 1118, eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glenclyff home for the elderly be determined in accordance with the administrative procedure act.

HB 1179, relative to the information required in agency requests for appropriations during the budget preparation process.

HB 1188, increasing the penalty for killing a police dog or police horse.

HB 1158, relative to the state's policy regarding the review and assessment of new health services.

HCR 20, providing that long-term care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives.

HB 1164, requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody.

HB 1383-L, relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction.

HB 1450-L, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills.

HB 1430, repealing the annual commemorative rifle or shotgun lottery.

HB 1217-FN-L, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges.

HB 1399, relative to the road toll on users of special fuel.

HB 1136, repealing the requirement that hunters expose the carcass of deer.

HB 1144-FN, permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee.

HB 1282, allowing coyote hunting at night.

HB 1278-FN-A, making an appropriation to fund the position of state curator.

HB 1516-FN-A, transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefor.

HB 1506-FN-L, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail.

HB 1335-FN, making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees.

HB 1153-FN, adopting the revised Uniform Enforcement of Foreign Judgments Act.

HB 1176-FN, requiring a writ of habeas corpus to be filed in the superior court of the county in which the person is incarcerated.

HB 1119, authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus.

HB 1141-FN-A, eliminating cigarette stamps.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 4:15 p.m.

RECESS

Rep. Ann Torr moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 5

Thursday, February 3, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of imagination, inspire us with the desire to make all things new. Save us from trusting too much in familiar routines; free us from the need to provide quick solutions to complex problems. And give us the grace to think new thoughts, ask penetrating questions and inspire the best from others so that our work may glorify You and inspire justice among those whom we serve. Amen.

Rep. Barbara Arnold led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Katharin Pratt, Joan Kane, Pantelakos, O'Brien and Rheault, the day illness.

Reps. Gargiulo, Smart, Pullman, Richards, Crum, Weeks, Joyce Johnson, Schanda, Morello, Paquette, Paul White, Irene Pratt, Mark Holt, Ralph Torr and Stamatakis, the day, important business.

Reps. Driscoll and McCann, the day, illness in the family.

Reps. Sallada, the day, death in the family.

INTRODUCTION OF GUESTS

Dr. Raymond Hamel, guest of Rep. Frances Riley. Chad Mitchell, son and guest of Rep. Mitchell. Former Representative Roland Frechette and his wife Lucille, guests of Reps. MacRae, Rodeschin and Cowenhoven. Ms. Jensen, Mrs. Coursey and the 5th grade students of the Holderness Central School, guests of Rep. Chase. M. Therese Wasson, wife and guest of Rep. Wasson.

RESOLUTION

Its introduction having been approved by the Rules Committee, Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1584, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1581, establishing a committee to study the University of New Hampshire cooperative extension, and changing the name of the extension service to "University of New Hampshire cooperative extension." (Schotanus, Sull 3; Dickinson, Carr 2; J. Bradley, Carr 8; Larson, Graf 8; Fraser, Dist 4: Education)

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 128, 214, 226, 507, 512, 513, 524 through 526, 536, 538, 542, 550, 561, 563, 572, 574, 592, 594 and 641, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 128, relative to the recodification of the forestry laws. (Resources, Recreation & Development)

SB 214-FN-L, requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief. (Municipal & County Government)

SB 226-FN, relative to special number plates for reserve members. (Transportation)

SB 507-FN-L, increasing fees for bail commissioners. (Judiciary)

SB 512-FN, authorizing a New Hampshire Pearl Harbor survivor special number plate. (Transportation)

SB 513, requiring the sweepstakes commission to use instant lottery tickets made from recycled materials. (Regulated Revenues)

SB 524, relative to the rulemaking authority of the pesticide control board and the labeling of pesticides. (Environment & Agriculture)

SB 525, relative to medicare supplemental insurance. (Commerce, Small Business & Consumer Affairs)

SB 526, relative to risk retention groups not chartered in New Hampshire. (Commerce, Small Business & Consumer Affairs)

SB 536, relative to appropriations for the expansion of the port of Portsmouth. (Public Works)

SB 538, establishing a state freshwater fish. (Wildlife & Marine Resources)

SB 542, increasing the penalty for certain automobile offenses. (Corrections & Criminal Justice)

SB 550-FN, relative to fees for filing documents with the insurance department. (Commerce, Small Business & Consumer Affairs)

SB 561, prohibiting the right of setoff against an individual retirement account or a simplified employee pension. (Judiciary)

SB 563, exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals. (Transportation)

SB 572-FN, relative to maximum benefit limitations under the New Hampshire retirement system. (Executive Departments & Administration)

SB 574, relative to credit for reinsurance. (Commerce, Small Business & Consumer Affairs)

SB 592, relative to the display of expired motor vehicle plates. (Transportation)

SB 594-FN, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license. (Regulated Revenues)

SB 641-FN, relative to group II retirement system membership for peace officers in the division of safety services. (Executive Departments & Administration)

SENATE MESSAGES NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 59, relative to the privacy act.

The President appointed Sens. Podles, Colantuono and Hollingworth.

Rep. Lown moved that the House refuse to accede.

Adopted.

SB 149-FN, relative to land surveying by proprietorships, corporations or partnerships.

The President appointed Sens. Currier, Bourque and Colantuono.

Rep. Kathleen Ward moved that the House accede.

Adopted.

The Speaker appointed Reps. Boucher, Dowd, Foss and Groves.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 288, relative to teacher representation on the New Hampshire retirement system board of trustee. (Amendment printed SJ 2, 01/20/94)

Rep. Kathleen Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kathleen Ward, Dyer, McGrath and Langer.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the rules be so far suspended as to permit consideration at the present time of **HB 1579-FN-A-L**, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.

Adopted by the necessary two-thirds.

HB 1579-FN-A-L, relative to safety and managed care under the workers' compensation law and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul I. LaMott for Appropriations: This is a piece of legislation that helps our employers and employees in New Hampshire and makes the state more competitive in economic development. Vote 22-0.

Amendment (4853B)

Amend RSA 281-A:38, II as inserted by section 12 of the bill by replacing it with the following:

II. Any health care provider conducting independent medical examinations under this chapter shall be certified by the appropriate specialty board in such provider's area of specialty. The independent medical examination shall take place within a 50-mile radius of the residence of the injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile radius is necessary to obtain the services of a provider who specializes in the particular injury suffered by the employee. The injured employee shall not be required to submit to more than 2 independent medical examinations per year, unless within the discretion of the commissioner, more than 2 examinations are necessary.

Amend the bill by replacing the section heading of section 20 with the following:

20 New Sections; Safety Incentive Program; Manager of Safety, Training, and Injury Prevention.

Amend RSA 281-A:64-b as inserted by section 20 of the bill by replacing it with the following:

281-A:64-b Manager of Safety, Training, and Injury Prevention. There is created within the department of labor the classified full-time position of manager of safety, training, and injury prevention who shall be under the direction of the labor commissioner. The position shall be at labor grade 24. The manager shall be responsible for mandatory workplace safety programs and for the development of effective multi-media workplace safety programs which shall be available to all employers.

Adopted.

Report adopted and ordered to third reading.

Rep. Dunn wished to be recorded against the Committee report.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that **HB 1579-FN-A-L**, relative to safety and managed care under the workers' compensation law and making an appropriation therefor, be read a third time and passed.

Adopted by the necessary two-thirds.

Third reading and final passage

HB 1579-FN-A-L, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 656-FN, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991, was removed at the request of Rep. Channing Brown.

HB 1128, revising the selection process for the board of education, was removed at the request of Rep. Hemon.

HB 1385-L, changing the property tax rate for single family homeowners, was removed at the request of Rep. Hemon.

HB 1175, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license, was removed at the request of Rep. Betty Hall.

HB 1100, prohibiting the release of wolves, was removed at the request of Reps. Dickinson and Gene Chandler.

HB 1143, increasing the penalties for illegal clamming, was removed at the request of Rep. Burling.

HB 1438, adopting the striped bass as the state saltwater game fish, was removed at the request of Rep. Drake.

Consent Calendar adopted.

HB 414-FN-L, providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system. **OUGHT TO PASS**

Rep. Franklin G. Torr for Appropriations: This bill provides a 3.5% COLA to all group II permanent firemen beneficiaries of the New Hampshire Retirement System, or of its predecessor systems, who retired on or before January 1, 1992. The actuary states that the bill is funded from the firemen component of the special account. The cost to terminally fund is \$2.3 million. Vote 19-0.

HB 1543-FN-A, providing that interest from youth development center resident trust accounts be continually appropriated and used for the benefit of the residents and changing the name of the bureau of secure care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Appropriations: The amendment guarantees the interest in the residents' pooled account will be the property of the individual residents. Interest accrued before July 1, 1994 will be expended for the benefit of the residents. Vote 19-0.

Amendment (4759B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to interest from youth development center resident trust accounts,
allowing the administrator to establish other accounts, and
changing the title of the "bureau of secure care"
to the "bureau of residential services."

Amend the bill by replacing sections 1 and 2 with the following:

1 Residents' Accounts Interest; Appropriated to Division; Expended to Benefit Residents.
Amend RSA 621:30, II and III to read as follows:

II.(a) [The residents' personal accounts] *Except as provided in subparagraph II(b), the personal funds of residents in their possession while at the center shall be transferred to and held in trust by the administrator of the bureau of [secure care] residential services [for individual residents and shall be] in a pooled account kept in approved facilities in accordance with the manual of procedures of the department of administrative services. Notwithstanding RSA 6:11 or any other provision of law, any interest on such pooled account:*

(1) Accrued prior to July 1, 1994, shall be appropriated to the division and shall be expended only for the direct benefit of the residents.

(2) Accruing after July 1, 1994, shall be the property of the individual residents as determined by the administrator of the bureau of residential services.

(b) Residents who receive social security benefits or veterans administration benefits [or], who are receiving regular income from sources other than the resident's own labor, *or whose personal funds in their possession while at the center total more than \$200*, shall have individual bank accounts established, to be administered for the residents by the administrator of the bureau of [secure care] *residential services. Notwithstanding RSA 6:11 or any other provision of law, the interest accrued or accruing on such individual accounts shall be the property of the individual resident.*

III. The special projects fund shall consist of moneys from gifts, bequests, and miscellaneous contributions and shall be administered by the administrator of the bureau of [secure

care] *residential services* for the direct benefit of residents or in accordance with donor instructions. *Notwithstanding RSA 6:11 or any other provision of law and unless otherwise prohibited by donor instructions, any interest accrued or accruing on the special project fund shall be continually appropriated to the division and shall be expended only for the direct benefit of the residents.*

2 New Paragraph; Other Accounts May Be Established. Amend RSA 621:30 by inserting after paragraph IV the following new paragraph:

V. In addition to the accounts described in paragraphs II and III of this section, the administrator of the bureau of residential services may establish such other accounts for the deposit of residents' personal funds, proceeds of program activities, donations, and other miscellaneous contributions or moneys as are necessary to meet the needs of the center. Such accounts shall be kept in approved facilities in accordance with the manual of procedures of the department of administrative services. Notwithstanding RSA 6:11 or any other provision of law, any interest accrued or accruing on such accounts shall be continually appropriated to the division and shall be expended only for the direct benefit of the residents, except that the interest accrued or accruing on such accounts established with the personal funds of residents shall be the property of the individual residents as determined by the administrator of the bureau of residential services.

AMENDED ANALYSIS

This bill provides that interest which has accrued on youth development center residents' personal accounts prior to July 1, 1994, shall be appropriated to the division and expended for the direct benefit of the residents, and that interest accruing after July 1, 1994, shall be the property of the individual residents.

It also allows the administrator of the bureau of residential services to establish other accounts for the deposit of residents' funds, proceeds from program activities, donations, and other miscellaneous contributions or moneys, and any interest from such accounts shall be continually appropriated to the division and expended for the direct benefit of the residents.

The title of the "bureau of secure care" is changed to the "bureau of residential services" throughout the statutes.

HB 1114, relative to child support enforcement orders. OUGHT TO PASS WITH AMENDMENT

Rep. Carol Moore for Children, Youth and Juvenile Justice: This bill requires obligors to keep the Division of Children, Youth and Families informed regarding employer and health insurance information. Vote 13-0.

Amendment (4590B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Obligor Required to Notify Division Regarding Employer and Health Insurance. Amend RSA 161-B:7 by inserting after paragraph III the following new paragraph:

IV. All support orders issued or modified in cases that are payable through the division shall contain a provision requiring the obligor to keep the division informed of the name and address of the obligor's employer and whether the obligor has access to health insurance, and, if so, the health insurance policy information.

2 New Paragraph; Obligor Required to Notify Division Regarding Employer and Health Insurance. Amend RSA 458:17 by inserting after paragraph XI the following new paragraph:

XII. All support orders issued or modified in cases that are payable through the division shall contain a provision requiring the obligor to keep the division informed of the name and address of the obligor's employer and whether the obligor has access to health insurance, and, if so, the health insurance policy information.

3 Effective Date. This act shall take effect January 1, 1995.

HB 1131, making all cases or court records of the division for children and youth services open to the public. INEXPEDIENT TO LEGISLATE

Rep. Deborah L. Woods for Children, Youth and Juvenile Justice: The committee vehemently opposes this bill which would give public access to all DCYS records. Such access, no doubt,

would cause harm to children, families, and alleged abusers. SB 210, which took effect September, 1993, gives access to certain DCYS records and the committee feels this is adequate. Vote 16-0.

HB 1147-FN, relative to parental liability for support of dependent children on public assistance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Josephine Mayhew for Children, Youth and Juvenile Justice: This bill limits a parent's liability for support debt to an amount equal to the amount of the weekly child support obligation, multiplied by the total number of weeks during which public assistance was paid or the amount of public assistance paid, whichever is less. Vote 16-0.

Amendment (4589B)

Amend the bill by replacing all after the enacting clause with the following:

I Creation of Support Debt. RSA 161-C:4, I is repealed and reenacted to read as follows:

I. Any payment of public assistance made to or for the benefit of a dependent child creates a debt due and owing to the division by any responsible parent. Except as otherwise provided in RSA 161-C:5, the amount of the debt shall be equal to the calculation of a weekly child support obligation derived in accordance with RSA 458-C:3 as applied to the responsible parent's current income, multiplied by the number of weeks that public assistance was paid or the total amount of public assistance that was paid, whichever is less.

2 Limitation of Debt. Amend RSA 161-C:5, I to read as follows:

I.(a) A debt shall not be incurred under RSA 161-C:4 by any responsible parent while that parent receives public assistance [for the benefit of any of his or her dependent children.] *pursuant to RSA 167 under any of the following programs:*

(1) Aid to the permanently and totally disabled.

(2) Aid to the needy blind.

(3) Aid to families with dependent children.

(4) Old age assistance.

(5) Pursuant to Title XVI of the Social Security Act under the supplemental security income program.

(b) A debt previously incurred under RSA 161-C:4 shall not be collected from any responsible parent while that parent receives public assistance [for the benefit of any of his or her dependent children] *through any of the programs listed in RSA 161-C:5, I(a).*

3 Limitation of Debt. RSA 161-C:5, II is repealed and reenacted to read as follows:

II. Upon entry of a legal order for support obligating a responsible parent to pay child support for the benefit of his or her dependent children for whom public assistance is paid, and for so long as such legal order for support remains in effect, the responsible parent shall not be responsible for additional public assistance payments.

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill limits a parent's liability for support debt to an amount equal to the amount of the weekly child support obligation multiplied by the total number of weeks during which public assistance was paid or the amount of public assistance paid, whichever is less.

This bill also prohibits a parent from incurring support debt under RSA 161-C:4 while that parent is receiving public assistance.

This bill is a request of the office of child support, department of health and human services.

HB 1530-FN, relative to the child protection act and providing protection from informers. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah P. McIlwaine for Children, Youth and Juvenile Justice: This bill misunderstands the definition of "reporter" ("informer" in preamble). All New Hampshire adults are mandated to report a suspicion of child abuse or neglect. If investigation proves the suspicion valid, the Division becomes the assessor/petitioner of the case. Also, obtaining a surety bond is a lengthy and expensive process that is impossible to use in this situation. Vote 16-0.

HB 1193, amending the charter of St. Mary's Bank. **OUGHT TO PASS**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill had no opposition during the hearing, and the committee felt the charter change is just good business practice. Vote 12-0.

HB 1202, relative to rules in manufactured housing parks. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: The subcommittee on manufactured housing found this bill could cause difficulties in financing and locating manufactured homes in this state. Manufactured housing is one of the few low cost housing opportunities available to New Hampshire residents. The committee, therefore, feels it would be detrimental to pass HB 1202. Vote 12-0.

HB 1203-FN, making technical amendments to the banking laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill repeals certain provisions on stockholders' liability and makes technical amendments to the banking laws and, as amended, provides for reciprocal treatment of fiduciary agents where other states permit our fiduciary agents to act in like capacity. The Fiscal Note calls for increases in restricted state expenditures and revenues alike by \$7,592 in FY 1995 and \$11,696 in FY 1996, by \$15,731 in FY 1997 and by \$17,050 in FY 1998. There will be no impact on county and local revenues or expenditures. The amendment will not change the fiscal impact. Vote 13-0.

Amendment (4573B)

Amend the bill by replacing all after section 8 with the following:

9 Power to Act as Fiduciary. Amend RSA 390:13 to read as follows:

390:13 Power to Act as Fiduciary.

I. Any trust company or similar corporation, incorporated under the laws of this state, or any national bank duly authorized and located within the state, may be appointed trustee or executor in any case where an individual can be appointed, upon the same conditions and subject to the same control, requirements, and penalties.

II. Any trust company or similar corporation incorporated under the laws of any other state or any national bank having its principal place of business in any other state may be appointed trustee or executor as provided in this section if the state in which such trust company or similar corporation incorporated under the laws of that state or any national bank duly authorized and having its principal place of business in that state similarly allows any trust company or similar corporation incorporated under the laws of this state and any national bank duly authorized and located within this state to serve as appointed trustees or executors in that state.

III. Any trust company organized under the laws of New Hampshire may be authorized and empowered to act as receiver, assignee or agent for any person, firm, association or corporation, public or private; and in all proceedings in court or elsewhere in relation to such trusts or agencies, all accounts and other papers may be signed and sworn to in behalf of the corporation by any officer duly authorized.

IV. Nothing [herein] contained in this section shall affect the rights of religious, charitable, and eleemosynary corporations organized under the laws of New Hampshire to act in fiduciary capacities, or extend to corporations other than trust companies and similar corporations, or any national bank duly authorized and located within the state, power to act in a fiduciary capacity.

10 Limitation. Amend RSA 390:15 to read as follows:

390:15 Limitation. The exercise of the powers granted herein is limited to the specified corporations located in this state, *except as otherwise expressly provided in RSA 390:13.*

11 Repeal. The following are repealed:

I. RSA 390:10, relative to stockholder's liability for the year 1911 through the year 1937.

II. RSA 390:11, relative to reports of condition.

III. RSA 390:11-a, II, relative to reports under RSA 390:11.

IV. RSA 390:12, relative to form of reports.

12 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill repeals certain provisions on stockholders' liability, reports and assessments, permits trust companies and national banks incorporated in other states to be appointed a trustee or executor in this state under certain circumstances, and makes technical amendments to the banking laws.

This bill was requested by the banking department.

HB 1345, relative to payments to the state treasurer. **OUGHT TO PASS WITH AMENDMENT**

Rep. John Sytek for Executive Departments and Administration: To describe this bill as a housekeeping measure is to overstate its impact. This bill deals with how the treasurer is required to collect funds from various state agencies. A strict reading of current law (and that's how the LBA watchdog reads it) sometimes requires the transfer of uncollected funds. This has led to the bouncing of otherwise good checks with attendant bank charges to the state. The chief goal of this bill is to remove this unintended effect of current law by giving the treasurer the ability to craft more reasonable deposit procedures. This ability also includes eliminating the requirement for a "five-part deposit ticket" which went out with the buttonhook and allows the treasurer to develop more up-to-date and suitable forms to account for deposits to the state and its agencies. Vote 14-0.

Amendment (4724B)

Amend the bill by replacing section 1 with the following:

1 Payments by State Departments to Treasurer. RSA 6:11 is repealed and reenacted to read as follows:

6:11 Payments to Treasurer.

I. The treasurer shall establish deposit procedures for all state departments and institutions receiving money for the state. Such procedures shall include, but shall not be limited to, deposits to a department's bank accounts, related transfers to treasury bank accounts, electronically collecting state moneys and concurrence of the treasurer for the opening of department bank accounts.

II. If more than \$100 is in the possession of any state department or institution such funds shall be on deposit in the related department's bank account or in a treasury bank account. The treasurer shall transfer moneys from state departments and institutions to the treasurer's account in the most expeditious manner possible, including, but not limited to, the use of electronic transfers.

III. All state departments and institutions, except the university system of New Hampshire, the building projects revolving fund of the state board of education, and the supreme court for the purposes of the escrow account for court facility improvements under RSA 490:26-c, receiving money for the state shall deposit the full amount of all such moneys into a state treasurer's bank account or into a state department's bank account from which the treasurer shall collect funds by automated means, unless the treasurer determines that such means cannot be implemented or concurs with department procedures for deposits and collection.

IV. All state departments and institutions, except those state departments and institutions which are exempted in RSA 6:11, III, which are not depositing directly into a treasury bank account or which are not included in a treasury electronic collection system may deposit state moneys into a department's bank account and shall either:

(a) Remit to treasury daily all moneys in excess of an amount established by each department with the concurrence of the treasurer; or

(b) Deposit all moneys at the department of treasury daily in accordance with rules established under RSA 6:3-a, I.

V. All state departments and institutions, except those state departments and institutions which are exempted in RSA 6:11, III, depositing moneys directly into a treasury bank account shall prepare and submit to treasury the appropriate accounting documentation with a copy of a bank deposit receipt as evidence of a deposit. Such departments and institutions shall make every effort to ensure that the documentation is received by treasury on the same day as the day of deposit.

VI. All state departments and institutions depositing moneys into a department's bank account shall, in a timely manner, prepare and submit to treasury the appropriate accounting documentation related to treasury's daily automated collections as provided in RSA 6:11, III or a department's remittances as provided in RSA 6:11, IV(a).

HB 1116, relative to the release of health care data. **OUGHT TO PASS**

Rep. Merilyn P. Senter for Health, Human Services and Elderly Affairs: This bill would codify what currently is practiced, and the committee feels that safeguards are already in place to protect the confidentiality of the individual. Vote 19-0.

HB 1452, relative to confidentiality of medical records. **INEXPEDIENT TO LEGISLATE**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: It was the opinion of the committee that laudable as the intent of this bill was, it would create more problems than it would correct. The issue of marketing and commercial access to records should be addressed in a separate bill. Vote 18-0.

HB 1473, relative to tenants with unacceptable lead blood levels. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: Last year we passed a lead paint bill with a great deal of input by tenants, landlords and health authorities. This bill would weaken the provisions of last year's bill before its effective date (July 1, 1994). It should be given a fair chance before we tinker with it. Vote 19-0.

HB 1480, requiring physicians to attend pain treatment seminars as a condition for license renewal. **INEXPEDIENT TO LEGISLATE**

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: The committee feels that it is unwise to set a precedent of legislating specific courses which physicians must attend. In addition, it was clear that some specialties would have no need for this course. Vote 19-0.

HBI 21, relating to persons with disabilities who are "wait listed" with the department of health and human services. **OUGHT TO PASS**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee unanimously agreed that the problem of wait listing mentally disabled New Hampshire citizens needs a serious study that should address how these fundamental services should be funded; whether there is a need for a new state entitlement program; and whether legislation can be crafted to address this problem. Vote 19-0.

HB 1182, defining "government entity" with regard to liability of volunteers of government entities. **INEXPEDIENT TO LEGISLATE**

Rep. Robert M. Gilbreth for Judiciary: There are questions as to who fits under the umbrella of liability as a volunteer. Also, there is a question as to giving authorization as a volunteer. It may create more problems. Vote 14-1.

HB 1198-FN, waiving the filing fee for any petition to the superior court alleging a violation of the state right-to-know law. **INEXPEDIENT TO LEGISLATE**

Rep. Tyler P. Harwell for Judiciary: The right-to-know law provides a civil remedy. This bill would eliminate the filing fee for a case brought under that law. Under that law, the successful plaintiff can request an award of attorney's fees. The committee found no need to exempt all such parties from the need to pay court filing fees. Vote 15-2.

HB 1207-FN, relative to the administration of small estates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward M. Gordon for Judiciary: This bill increases the maximum size of a small estate from \$5,000 to \$10,000 in recognition of changing times. In addition, the bill exempts a surviving spouse who is designated as sole beneficiary and executor of a deceased spouse's will from certain procedural requirements in administering a probate estate. The committee found that these changes will make the probate process easier for many citizens. Vote 17-0.

Amendment (4760B)

Amend the bill by replacing sections 1 and 2 with the following:

1 Amount Increased. Amend RSA 553:31-a to read as follows:

553:31-a Administration of Small Estates Over \$500. If the estate of a person deceased, whether testate or intestate, consists entirely of personal property of a gross value exceeding \$500 but not exceeding [\$5,000] **\$10,000**, and the will has been allowed or no petition under any other section of RSA 553 or any section under RSA 552 has been filed, the right to administer shall be in the executor named in the will or as set forth in RSA 553:2 upon such person filing with the probate court in the county in which the deceased was domiciled at the time of death an affidavit stating that the affiant has undertaken to act as executor or voluntary administrator of such an estate and will administer the same according to law. Such executor or voluntary administrator shall, at the time of filing such affidavit, also file a personal bond without sureties, a list of heirs, a report of gifts and transfers under RSA 86:22 with the register of probate and with the department of revenue administration, and a [true and perfect inventory of the estate of] **statement of assets owned by** the deceased, which shall be incorporated into the affidavit. The form of this affidavit and the rules governing proceedings under this section shall be prescribed in the manner provided by RSA 547:33. Upon approval of the probate court and payment of a fee of \$5 the register of probate shall, if no other petition for administration is pending, issue an attested copy of the affidavit which shall constitute sufficient legal authority to all persons owing any money, having custody of any property or acting as register or transfer agent of any evidence of interest, indebtedness, property or rights belonging to the estate and to persons purchasing or otherwise dealing with the estate, to make payment or transfer to the affiant with the same effect as if made to a duly appointed representative of the deceased person. In the case of executors of small estates, as defined herein, the provisions of this section shall apply in place of those otherwise applicable. Out of the assets which the executor or voluntary administrator collects, the administrator shall pay debts and expenses in accordance with RSA 554:19. If any balance remains the voluntary administrator shall distribute it either according to the will or, if there is no will, to the surviving spouse, if any, and if not, in accordance with RSA 561. The executor or voluntary administrator may not take any fee for services. A voluntary administrator is liable as an executor in his or her own wrong as provided in RSA 553:17 to all persons aggrieved by the administrator's administration, and if letters testamentary or of administration are later granted then to the rightful executor or administrator. If a personal representative of the deceased person is appointed under any other section of RSA 553, or under any section of RSA 552, the powers of the voluntary administrator shall cease. An executor or voluntary administrator appointed under this section shall render a statement of administration and the estate shall be closed no earlier than 90 days nor later than 6 months from the date of the administrator's appointment. No disbursement shall be made [from the estate] **to the heirs or legatees** until the account is approved.

2 New Section; Waiver of Administration. Amend RSA 554 by inserting after section 1 the following new section:

554:1-a Waiver of Administration. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving spouse is named in the will as the sole beneficiary of the deceased's estate and has also been nominated and appointed to serve as executor, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets; provided, however, that any interested creditor may petition for a full administration of the estate within 6 months after the original grant of administration, and such petition may be granted by the probate court for good cause shown. Administration of the will shall be completed upon the filing of an affidavit with the court stating that to the best of the knowledge and belief of the executor there are no outstanding debts or obligations attributable to the deceased's estate.

AMENDED ANALYSIS

This bill waives the administration of an estate where the administrator or executor is a surviving spouse and sole heir, except that a creditor may petition for a full administration for good cause.

The bill also changes the amount of a small estate to over \$500 but under \$10,000. Such a small estate under current law is over \$500 but under \$5,000.

HB 1253, permitting awards of enhanced damages in civil suits against intoxicated drivers. **INEXPEDIENT TO LEGISLATE**

Rep. Edward M. Gordon for Judiciary: The committee found no need to change the present standard for the award of enhanced compensatory damages. While the committee finds DWI abhorrent, it does not believe that this bill will act as a deterrent. Vote 13-0.

HB 1255, making technical amendments to the limited liability company laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Lockwood for Judiciary: This bill contains technical amendments to the law allowing for establishing limited liability corporations in New Hampshire that was passed last year. The committee was unanimous in its understanding that there are no substantive changes contained in the amendments. Vote 13-0.

Amendment (4685)

Amend the introductory paragraph and subparagraph (a) of RSA 304-C:7, III as inserted by section 1 of the bill by replacing it with the following:

III. No act of a limited liability company and no conveyance or transfer of real or personal property to or by a limited liability company shall be invalid because the limited liability company was without capacity or power to do the act or to make or receive the conveyance or transfer, but the lack of capacity or power may be asserted:

(a) In a proceeding by a member against a limited liability company to enjoin the doing of any act or the transfer of real or personal property by or to the limited liability company. If the unauthorized act or transfer sought to be enjoined is being, or is to be, performed or made under a contract to which the limited liability company is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of the contract, and in so doing may allow to the limited liability company or the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of the contract. Anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

Amend the bill by replacing section 4 with the following:

4 Exemption from Registration of Securities. Amend RSA 421-B:17, II(k) to read as follows:

(k) Any offer or sale of securities, including offers and sales pursuant to preorganization subscriptions for the securities of an issuer to be formed, by a corporation, *limited partnership, or limited liability company* having its principal office in this state if, after giving effect to the sale, the aggregate number of holders of all of the issuer's securities, all of whom shall have purchased for investment, does not exceed 10, exclusive of persons designated in subparagraph (g), provided that no commission or other remuneration has been paid and no advertising has been published or circulated in connection with any such sale, and all sales are consummated within 30 days after commencement of business by the issuer. The secretary of state may by rule or order increase the number of persons to whom sales may be made under this exemption.

AMENDED ANALYSIS

This bill establishes certain circumstances in which the lack of capacity or power of a limited liability company to engage in certain activities may be asserted.

The bill exempts certain limited partnerships and limited liability companies from registration of securities.

The bill also allows withdrawal from a limited liability company in certain circumstances without causing a breach of the limited liability company agreement.

HB 1251, relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits. **OUGHT TO PASS**

Rep. Wanda McNamara for Labor, Industrial and Rehabilitative Services: This bill lengthens the time period, from 180 days to 12 months, during which a certifying officer may reconsider a determination regarding unemployment benefits. This bill will protect the unemployment compensation fund by allowing sufficient time for out-of-state claim monies to be paid to the New Hampshire compensation system. Vote 11-0.

HB 1201-FN, relative to a companion animal population control fee for cats. REFER FOR INTERIM STUDY

Rep. Linda T. Foster for Municipal and County Government: The committee recognizes that the very serious problems of rabies and pet overpopulation are related. They have not, however, been adequately or fairly addressed by this or any other bill. Interim study will provide the scrutiny and intensive study that these problems deserve. Vote 14-0.

HB 1229, prohibiting municipalities from limiting the terms of their local officials. INEXPEDIENT TO LEGISLATE

Rep. Robert M. Fesh for Municipal and County Government: Only the sponsor spoke at the hearing and this bill would not do what the sponsor intended. This bill was filed in response to a local situation where everything was done legally in accordance with the city charter and passed by a vote of the people. The committee believes the local charter provisions prevail, and should not be negated by retroactive legislation. Vote 15-0.

HB 1259, relative to filling a vacancy for an unexpired term in the office of selectmen. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: After a long discussion, the committee decided that existing procedure adequately addresses this problem. Vote 14-0.

HB 1328-FN-L, to officially change the name of the town of Northumberland to Groveton. INEXPEDIENT TO LEGISLATE

Rep. Paula E. Bradley for Municipal and County Government: Citizens of Northumberland made it clear that they did not favor this bill. No one spoke for it except the sponsor. Vote 15-0.

HB 1364, changing the renewal date for a license to carry a pistol or revolver. OUGHT TO PASS

Rep. Loren J. Jean for Public Protection and Veterans Affairs: This bill makes such sense that there was no opposition among the hundred or so members of the law enforcement community and the public who attended the hearing. Vote 14-0.

HB 1459-FN, relative to private investigation agencies and security services. INEXPEDIENT TO LEGISLATE

Rep. Dennis H. Fields for Public Protection and Veterans Affairs: There is already rulemaking authority in the Department of Safety to cover the investigatory procedure outlined in HB 1459. Perhaps the N H League of Investigators can operate its desired board of review in cooperation with our state officials through its own properly established Professional standards committee. Such action recommending a board of review is not supported by 100% of League members who have not had a referendum vote on the issue, and do not necessarily support it. Vote 14-0.

HB 1133, allowing organization members' spouses to assist at bingo games. OUGHT TO PASS

Rep. Betsy McKinney for Regulated Revenues: Present law allows sons and daughters of members to help run bingo games for the organization. This bill will add the word "spouse" and permit spouses to also assist with bingo operations. Vote 16-0.

HB 1277, allowing a grace period in which old registration plates may be valid prior to required new registration. INEXPEDIENT TO LEGISLATE

Rep. Thaddeus E. Klemarczyk for Transportation: The Committee felt that the bill would create more problems for the Department of Safety. The purchaser of a car through a private sale may obtain a set of 20-day paper plates from any substation for the purpose of registering the unit. Vote 12-0.

HB 1361, requiring automobile dealers in New Hampshire to periodically provide the original purchaser with a summary of all service bulletins. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy N. Robertson for Transportation: The Committee felt that the problem the bill was designed to solve would be more easily resolved by means already in place, and the suggested solution would entail additional costs for all motor vehicle users with only limited utility to the motoring public. Vote 12-0.

HB 1111, permitting one-day family fishing licenses upon payment of a certain fee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda A. Smith for Wildlife and Marine Resources: The committee unanimously voted 15-0, effective upon passage, to permit the Department of Fish and Game to issue one-day family fishing licenses. This is an excellent way of introducing families to the great sport of fishing in our State. Vote 15-0.

Amendment (4671B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Referred to Ways and Means.

HB 1112, permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials. **OUGHT TO PASS WITH AMENDMENT**

Rep. Henry W. Coulombe for Wildlife and Marine Resources: It is the feeling of the Committee, the Fish and Game Department should be able to deal directly with manufacturers and better be able to control quality. Vote 15-0.

Amendment (4627B)

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

HB 1267-FN, prohibiting the department of fish and game from imposing any penalty on a person greater than that ordered by a court. **INEXPEDIENT TO LEGISLATE**

Rep. Ervin R. Lachut for Wildlife and Marine Resources: The proposal ignores existing administrative law and procedure and would create an administrative logjam for the judicial branch. Furthermore, costs attributable to such a proposal would be prohibitive. Vote 10-0.

HB 1322, requiring the department of fish and game, after a hunting injury or death, to immediately suspend a hunter's license pending an investigation. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Wildlife and Marine Resources: Present law adequately covers the intent of this legislation. As proposed, this bill presents numerous conflicts with the criminal justice system. The constitutional right to due process is not guaranteed under this proposal and this would find an individual guilty before trial and conviction. Vote 9-1.

HB 1395, reserving a certain number of moose hunting lottery permits for senior citizens. **INEXPEDIENT TO LEGISLATE**

Rep. Rose Mary Rogers for Wildlife and Marine Resources: This bill establishes a special class of citizens for privileges which may discriminate against the citizens of this state as a whole. Vote 11-0.

REGULAR CALENDAR

HB 317, establishing a grant program for closure of unlined solid waste landfills. **OUGHT TO PASS**

Rep. Merle W. Schotanus for Appropriations: This bill establishes a major state program to assist municipalities in dealing with the costly problem of closing solid waste landfills to help protect the state's drinking water resources. The bill provides a 20 percent state contribution to close 174 publicly owned landfills during the period FY 1985 to FY 2010. Effective July 1, 1995, state general fund cost for FY 1996 is estimated to be \$4.5 million which includes a one-time reimbursement of \$2.6 million for past closures back to FY 1985. FY 1997 costs are estimated at \$2.6 million and approximately \$2.7 million thereafter. Vote 20-0.

Rep. Schotanus yielded to questions.
Adopted and ordered to third reading.

HB 459-FN-A, establishing a demonstration program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Theodora P. Nardi for Appropriations: This bill appropriates \$325,000 as the state of New Hampshire's share of a five-year program funded primarily by the federal government. The amendment removes the word "demonstration" from the description of the program, extends the lapse date to the end of the five-year federal grant in order to provide maximum flexibility to the Office of Alcohol and Drug Abuse Prevention, and changes the effective date. Vote 19-0.

Amendment (4752B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a program for a long-term residential treatment program
for pregnant and post-partum substance abusing women and
their children and making an appropriation therefor.

Amend the bill by replacing all after section 1 with the following:

2 Program Established. There is established a 5-year program for long-term residential treatment for pregnant and post-partum substance abusing women and their children.

3 Administration. The program shall be administered by the office of alcohol and drug abuse prevention, department of health and human services.

4 Report. The director of the office of alcohol and drug abuse prevention shall submit a report showing the results and effectiveness of the program in achieving its purpose to the governor, speaker of the house, and the president of the senate 2 years after the effective date on which the program was implemented.

5 Appropriation. A sum not to exceed \$325,000 which provides a match to federal funding in the ratio of \$1 state to \$9 federal for 2 years and a ratio of \$1 state to \$3 federal for the 3 following years for the purposes of this act is appropriated to the office of alcohol and drug abuse prevention, department of health and human services, for the biennium ending June 30, 1995. This appropriation shall not lapse until June 30, 1999. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a 5-year program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children in the event that federal moneys become available. The office of alcohol and drug abuse prevention would administer the program.

The bill makes an appropriation which provides a match to federal funding.

Adopted.

Report adopted and ordered to third reading.

CACR 28, relating to compensation for members of the general court. Providing that members of the general court shall receive 25 percent of the state's average annual salary, as determined during the previous biennium, for the term elected, and shall receive the usual mileage rate for actual daily attendance on legislative days. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis M. Katsakiores for Constitutional and Statutory Revision: This amendment was rejected by the 1984 Constitutional Convention. It was debated at great length in committee. Ours is a citizen legislature, and where it is our choice to run, we should have things as they are. Vote 12-3.

Rep. Hemon moved that the words Ought to Pass be substituted for the report of the Committee. Inexpedient to Legislate, spoke in favor and yielded to questions.

Roll call request not sufficiently seconded.

The substitute motion failed.

Report adopted.

Rep. Houlahan wished to be recorded in favor of the Committee report.

CACR 29, relating to requiring that the attorney general be elected. Providing that the attorney general be chosen biennially in the general election. **INEXPEDIENT TO LEGISLATE**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: The committee believes that the present appointment procedure for Attorney General is working well. We do not believe that requiring the Attorney General to run for election every two years would improve the operations of this important office. Vote 13-2.

Adopted.

CACR 34, relating to the membership of the senate and house of representatives. Providing that beginning with the general election in 2002, membership of the senate shall be increased by 25 percent, and membership of the house of representatives shall be decreased by 25 percent. **INEXPEDIENT TO LEGISLATE**

Rep. H. Thayer Kingsbury for Constitutional and Statutory Revision: HB 1199 better addresses the issue of representative reduction in the House. Vote 13-4.

Adopted.

CACR 35, relating to gender-specific language. Providing that all references to people in the constitution shall be gender neutral. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas I. Arnold for the Majority of Constitutional and Statutory Revision: We agree that the historical use of "he" in the English language was not intended to exclude females, but recognizes that younger female citizens now tend to feel excluded by the male, historically inclusive, pronoun. The Committee believes the time has come to make those grammatical changes designed to accommodate all of our citizens. Vote 13-4.

Rep. Jack B. Willis for the Minority of Constitutional and Statutory Revision: The Minority believes accepted English grammar places the male gender in the absence of a specific gender. This has been and is taught in our schools. Change is good and necessary at times, but this is not the time to change our Constitution. The Minority believes New Hampshire does not want us to lead the country in this area.

Rep. Willis moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass, spoke in favor, yielded to questions and withdrew his motion.

The question now being the adoption of the majority Committee report.

Rep. Gilmore spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 175 - NAYS 180

YEAS 175 BELKNAP

Rice, Thomas, Jr. Smith, Linda

CARROLL

Bradley, Jeb Chandler, Gene Saunders, Howard

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
DePecol, Benjamin	Delano, Robert	Foster, Katherine	Kingsbury, H. Thayer
Lynch, Margaret	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Young, David	

COOS

Bradley, Paula	Guay, Lawrence	Harwell, Tyler	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Adams, Carl
Brown, Patricia
Guest, Robert
Scanlan, David

Below, Clifton
Copenhaver, Marion
Larson, Nils, Jr.
Teschner, Douglass

Brown, Alson
Crory, Elizabeth
McIlwaine, Deborah
Trelfa, Richard

Brown, Channing
Eaton, Stephanie
Nordgren, Sharon
Ward, Kathleen

HILLSBOROUGH

Allen, W. Gordon
Arnold, Thomas, Jr.
Buckley, Raymond
Cote, David
Donovan, Francis
Gage, Ruth
Haettenschwiller, Alphonse
Kelley, Dana
Martin, Mary Ellen
Morrisette, Roland
Reidy, Frank
Tale, Joan

Amidon, Eleanor
Asselin, Robert
Burke, M. Virginia
Cowenhoven, Garret
Durham, Susan
Gagnon, Eugene
Hall, Betty
Lachut, Ervin
Messier, Irene
Nardi, Theodora
Sargent, Maxwell
Upton, Barbara

Andrews, Frederick
Borsa, Andrew
Cepaitis, Elizabeth
Dodge, Emma
Fields, Dennis
Gervais, Glen
Jasper, Shawn
Laughlin, J. Francis
Milligan, Robert
Perkins, Paul
Soucy, Donna
Weergang, Alida

Arnold, Barbara
Bowers, Dorothy
Clemóns, Jane
Domaingue, Jacquelyn
Foster, Linda
Greenberg, Gary
Jean, Claudette
Lown, Elizabeth
Moore, Elizabeth
Plourde, Alphonse
Soucy, Richard
White, John

MERRIMACK

Braiterman, Thea
French, Barbara
Kidder, William
Regan, Maurice
Trombly, Rick
Yeaton, Charles

Carter, Susan
Hall, Douglas
Mitchell, Vernon
Rogers, Katherine
Wallner, Mary Jane

Daneault, Gabriel
Houlahan, Thomas
Moore, Carol
Shaw, Randall
Ward, Jay

Dunn, Miriam
Johnson, C. William
Pfaff, Terence
Teague, Bert
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Clark, Vivian
Dowd, Sandra
Groves, Bonnie
Johnson, Robert
Kruse, Fred
Newman, Rick
Senter, Merilyn
Syracusa, Anthony

Bell, Juanita
Coes, Betsy
Flanagan, Natalie
Hurst, Sharleene
Kane, Cecelia
Lee, Rebecca
Noyes, Richard
Skinner, Patricia
Vaughn, Charles

Caswell, Albert, Jr.
Crossman, Harold, Jr.
Flanders, David
Hutchinson, Karen
Katsakiores, George
MacDonald, Maurice
O'Keefe, Patricia
Splaine, James
Warburton, Calvin

Clark, Martha
DiPietro, Carmela
Gage, Beverly
Johnson, Bill
Katsakiores, Phyllis
McGovern, Cynthia
Rosencrantz, James
St. Martin, Tommy
Yennaco, Carol

STRAFFORD

Brown, George
Hambrick, Patricia
Keans, Sandra
McGrath, J. Gregory
Pelletier, Arthur
Torr, Ann

Chagnon, Ronald
Hashem, Elaine
Kincaid, William
Merrill, Amanda
Pelletier, Marsha
Torr, Franklin

Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Musler, George
Rogers, Rose Marie
Wheeler, Katherine

Gilmore, Gary
Hilliard, Dana
Lundborn, Raymond
Pageotte, Donald
Snyder, Clair

SULLIVAN

Allison, David
Palmer, Lorraine

Burling, Peter

Cloutier, John

Holl, Ann

NAYS 180**BELKNAP**

Cain, Thomas
Hauck, William
Lawton, David
Ziegra, Alice

Campbell, Richard, Jr.
Holbrook, Robert
Rosen, Ralph

Dewhirst, Glenn
Johnson, Carl
Turner, Robert

Golden, Paul
Lafiam, Robert
Young, Niel

CARROLL

Allard, Nanci	Beach, Mildred	Dickinson, Howard, Jr.	Foster, Robert
Lyman, L. Randy	Mock, Henry	Philbrick, Donald	Wiggin, Gordon

CHESHIRE

Cole, Stacey	Hunt, John	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude	Perry, David
Smith, Edwin			

COOS

Coulombe, Henry	Foss, Frederic	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Bean, Pamela	Chase, Paul, Jr.	Gordon, Edward	Ham, Bonnie
Hill, Richard	LaMott, Paul	Rose, William	Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Ahrens, Frederick	Bagley, Amy
Bergeron, Lucien	Bergeron, Normand	Calawa, Leon, Jr.	Chabot, Robert
Crotty, Edward	Daigle, Robert	Daniels, Gary	Desrosiers, William
Drabinowicz, A. Theresa	Drolet, Paul	Dyer, Merton	Dykstra, Leona
Fenton, James	Ferguson, Charles	Franks, Suzan	Gosselin, Gerald
Hanselman, Gregory	Hart, Nick	Healy, Daniel	Holden, Carol
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kelley, Robert	Kirby, Thomas	Kurk, Neal	L'Heureux, Robert
Leclerc, Charles	Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee
McCarty, Winston	McRae, Karen	Mercer, Robert	Mittelman, David
Moncrief, Keith	Murphy, Robert	Packard, Bonnie	Pepino, Leo
Peters, Stanley	Philbrook, Paula	Record, Alice	Riley, Frances
Rodgers, G. Philip	Rothhaus, Finlay	Searles, Stanley, Sr.	Smith, Leonard
Sullens, Joan	Toomey, Kathryn	Turgeon, Roland	Vanderlosk, Stanley
Wells, Peter, Sr.	Wheeler, Robert	Wright, George	

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Chandler, Earle	Chandler, John
Feuerstein, Martin	Fillion, Paul	Gilbreth, Robert	Holmes, Mary
Kennedy, Richard	Langer, Ray	Lockwood, Robert	Newland, Matthew
Nichols, Avis	Owen, Derek	Stapleton, Henry	Whalley, Michael
Willis, Jack			

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Beaulieu, Jon	Blake, Daniel
Boucher, William	Bove, Martin	Buco, Stephen	Campbell, Marilyn
Case, Margaret	Chester, Sherman	Christie, Andrew, Jr.	Conroy, Janet
Cote, Charles	Cote, Patricia	Dowling, Patricia	Drake, Herbert
Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert	Flanders, John, Sr.
Gorman, Donald	Hemenway, Thomas	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.
Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy	Miller, Don
Moore, Benjamin	Packard, Sherman	Putnam, Ed, II	Raynowska, Bernard
Ritzo, Eugene	Rubin, George	Smith, Arthur	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Sytek, John	Welch, David
Weyler, Kenneth	Williamson, William	Woods, Deborah	

STRAFFORD

Brown, Julie	Callaghan, Frank	Douglass, Clyde	Knowles, William
McKinley, Robert	Merritt, Deborah	Spear, Barbara	Sullivan, Henry
Vincent, Francis	Wall, Janet	Wasson, Richard	

SULLIVAN

Behrens, Thomas
Peyron, Fredrik

Domini, Irene
Rodeschin, Beverly

Flint, Gordon
Schotanus, Merle

Lindblade, Eric

and the report failed, lacking the necessary three-fifths.
Rep. Lozeau moved Inexpedient to Legislate.
Adopted.

HB 449, relative to listing candidates on general election ballots. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: This bill changes the format of the ballot to an office ballot — candidates will be listed by office, not in columns. The committee reaffirmed its vote of last fall that this legislation is needed; it will save a significant amount of money and result in less voter confusion. The office ballot is presently used by nearly 50 percent of the state's populace and by nearly every other state in the United States. Vote 14-3.

Amendment (3929B)

Amend the bill by replacing section 2 with the following:

2 Designation of Offices on Ballot. RSA 656:6 is repealed and reenacted to read as follows:

656:6 Designation of Office.

I. The office to which the candidates have been nominated shall be printed at the top of each box in which are grouped the candidates for the same office, with each box preceded by the word "For", as in "For Governor". Below such designation for office shall be printed "Vote for not more than (here insert a number designating how many persons are to be voted for)."

II. In places which are electing representatives to the general court from more than one district, there shall also be printed in small but easily legible letters below the phrase "Vote for not more than (here insert a number designating how many persons are to be voted for)," the county, and the number of the representative district for which the person is a candidate, subject to the numerical order required in RSA 656:7-a.

Amend the bill by replacing section 5 with the following:

5 Straight Ticket Voting. RSA 656:10 is repealed and reenacted to read as follows:

656:10 Straight Ticket Voting. The secretary of state shall prepare voting instructions for straight ticket voting for each of the political parties listed on the ballot which shall be placed on the top of the general election ballot.

Amend the bill by replacing section 9 with the following:

9 Amending Ballot to be Marked. RSA 659:17 is repealed and reenacted to read as follows:

659:17 Marking the Ballot; Instructions to Voters.

I. The secretary of state shall provide on the top of the general election ballot the following voting instructions: "Vote for the candidate of your choice for each office by making the appropriate mark. Follow directions as to the number of candidates to be elected to each office".

II. A voter may vote for a candidate in a state general election, or in a state or presidential primary election, by making the appropriate mark for the name of each candidate for whom he wishes to vote. If he desires to vote for a candidate whose name is not printed on the ballot, he shall write in the name of the person for whom he desires to vote in the space provided for that purpose.

III. In a state general election, the following instructions to voters for straight ticket voting shall be printed on the ballot: Make the appropriate mark for the political party of your choice if you wish to vote for all candidates running in that party. If you vote a straight ticket, but wish to vote for one or more individual candidates of a different party, you may do so, and your vote for an individual candidate will override the straight party vote for that office. However, if you vote for one candidate of a different party for an office where more than one candidate is to be elected, be sure to vote individually for all candidates of your choice for that office, because your straight ticket vote will not be counted for that office.

IV. In a state general election, the following instructions to voters for split ticket voting shall be printed on the ballot: If you do not wish to vote for one political party, make the appropriate mark.

Amend the bill by replacing section 13 with the following:

13 Placement of Party Emblem. Amend RSA 656:11 to read as follows:

656:11 Party Emblem. [Above each circle] *There* shall be [placed] *for straight ticket voting* an emblem designating or distinguishing the political party [assigned to that column]. The emblem or device shall be selected by the secretary of state for each political party represented upon the ballot and shall be different for each of such parties and may be any appropriate symbol; but neither the coat of arms nor the seal of any state, nor of the United States, nor the national flag, nor any religious emblem or symbol, nor the portrait of any person, nor the representation of a coin nor of the currency of the United States shall be chosen as a distinguishing emblem.

AMENDED ANALYSIS

This bill changes the form of the ballot used in state general elections by eliminating the party columns, and it provides for listing all candidates in one column according to the office sought. Candidates are grouped according to the party which nominates them, and are listed alphabetically within each party grouping according to their surnames, and the name of the party which nominates a candidate appears to the right of the candidate's name. The instructions to voters on general election ballots are also changed from "vote for any ..." to "vote for not more than ...".

The bill also amends the provision for straight ticket voting in state primary and state general elections, and the instructions for marking the ballot.

Rep. Gilmore yielded to questions.

Adopted.

Rep. Warburton offered a floor amendment.

Floor Amendment (4868B)

Amend RSA 656:5, II as inserted by section 1 of the bill by replacing it with the following:

II. All candidates for the same office shall be placed on separate lines within a separate office box. The name of the party which nominates the candidate shall be printed to the right of the candidate's name. The surnames of candidates shall be listed within each office box beginning in 1994 as follows:

(a) The surnames of all candidates, with the exception of the surnames of candidates for nomination to the office of state representative as provided in subparagraph (b), shall be alternated within each office box on the state general election ballots used so that each surname shall appear within each office box as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs.

(b) For representatives to the general court, the secretary of state shall once every 2 years, at 4 o'clock in the afternoon on the last day to file a declaration of candidacy under RSA 655:32, randomly draw a letter of the alphabet, and the secretary of state shall proceed with listing the surnames of such candidates for nomination to the office of state representative according to the alphabetical order beginning with the letter drawn to be used for that election year. At the close of the last day of the filing period for each state primary and general election, as provided in RSA 655:14 and 655:43 respectively, the secretary of state shall proceed with listing all the candidates surnames according to the alphabetical order to be used for that election year.

Amend the bill by replacing section 14 with the following:

14 Order of State Representatives. Amend RSA 656:24 to read as follows:

656:24 Order of Names. With the exception of the office of state representative, whenever there are 2 or more candidates for nomination to the same office, the names of such candidates shall be alternated on the state primary election ballots used so that each name shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs. Names of candidates for nomination to the office of state representative shall be arranged in the alphabetical order [of their surnames] *to be used for that election year as determined in RSA 656:5.*

15 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the form of the ballot used in state general elections by eliminating the party columns, and it provides for listing all candidates in one column according to the office sought. Candidates are grouped according to the office sought. The names of candidates for the office of state representative are listed according to the alphabetical order which is randomly picked by the secretary of state to be used for that election year. The listing of the names of all other candidates are alternated within each office box. The name of the party which nominates a candidate appears to the right of the candidate's name.

The bill also amends the provision for straight ticket voting in state primary and state general elections.

Rep. Warburton spoke in favor.

Rep. Pfaff spoke against.

Roll call request sufficiently seconded. The question being the adoption of the floor amendment.

YEAS 129 - NAYS 223

YEAS 129

BELKNAP

Campbell, Richard, Jr.	Rice, Thomas, Jr.	Young, Niel
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CARROLL

None

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Foster, Katherine
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald

COOS

Bradley, Paula	Harwell, Tyler	Hawkinson, Marie	Mears, Edgar
----------------	----------------	------------------	--------------

GRAFTON

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	
Guest, Robert			
Ham, Bonnie	McIlwaine, Deborah	Nordgren, Sharon	Rose, William

HILLSBOROUGH

Ahlgren, Madelyn	Amidon, Eleanor	Asselin, Robert	Bergeron, Lucien
Borsa, Andrew	Buckley, Raymond	Clemons, Jane	Cote, David
Crotty, Edward	Domaingue, Jacquelyn	Drabinowicz, A. Theresa	Dwyer, Patricia
Gage, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse	Hanselman, Gregory
Jean, Claudette	Kirby, Thomas	Laughlin, J. Francis	Leclerc, Charles
Martin, Mary Ellen	Morrisette, Roland	Murphy, Robert	O'Rourke, Joanne
Peters, Stanley	Philbrook, Paula	Plourde, Alphonse	Rothaus, Finlay
Soucy, Donna	Soucy, Richard	Toomey, Kathryn	Turgeon, Roland

MERRIMACK

Braiterman, Thea	Carter, Susan	Chandler, John	Daneault, Gabriel
Dunn, Miriam	Fillion, Paul	French, Barbara	Hall, Douglas
Moore, Carol	Newland, Matthew	Nichols, Avis	Owen, Derek
Regan, Maurice	Rogers, Katherine	Shaw, Randall	Wallner, Mary Jane
Ward, Jay	Yeaton, Charles		

ROCKINGHAM

Bell, Juanita	Case, Margaret	Caswell, Albert, Jr.	Clark, Martha
Dowling, Patricia	Dube, LeRoy	Gorman, Donald	Groves, Bonnie
Kane, Cecelia	Lee, Rebecca	Lovejoy, Marian	Malcolm, Kenneth

McGovern, Cynthia
Putnam, Ed, II
Splaine, James
Weyler, Kenneth

Moore, Benjamin
Raynowska, Bernard
St. Martin, Tommy

Newman, Rick
Rosencrantz, James
Syracusa, Anthony

O'Keefe, Patricia
Rubin, George
Warburton, Calvin

STRAFFORD

Brown, George
Hambrick, Patricia
Kincaid, William
McKinley, Robert
Pelletier, Arthur
Vincent, Francis

Chagnon, Ronald
Hashem, Elaine
Loder, Suzanne
Merrill, Amanda
Pelletier, Marsha
Wall, Janet

Dunlap, Patricia
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose Marie
Wheeler, Katherine

Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Pageotte, Donald
Snyder, Clair

SULLIVAN

Allison, David

Holl, Ann

Lindblade, Eric

Palmer, Lorraine

NAYS 223

BELKNAP

Cain, Thomas
Hawkins, Robert
Lawton, David
Ziegra, Alice

Dewhirst, Glenn
Holbrook, Robert
Rosen, Ralph

Golden, Paul
Johnson, Carl
Smith, Linda

Hauck, William
Lafam, Robert
Turner, Robert

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Philbrick, Donald

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Mock, Henry

CHESHIRE

Avery, Stephen
Hunt, John
Perry, David

Champagne, Richard
McNamara, Wanda
Royce, H. Charles

Cole, Stacey
Metzger, Katherine
Smith, Edwin

Delano, Robert
Pearson, Gertrude
Young, David

COOS

Coulombe, Henry
Mayhew, Josephine

Foss, Frederic
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Hill, Richard
Trelfa, Richard

Bean, Pamela
Chase, Paul, Jr.
LaMott, Paul
Wadsworth, Karen

Brown, Alson
Eaton, Stephanie
Scanlan, David
Ward, Kathleen

Brown, Channing
Gordon, Edward
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Arnold, Barbara
Bowers, Dorothy
Chabot, Robert
Desrosiers, William
Durham, Susan
Fields, Dennis
Gervais, Glen
Healy, Daniel
Jasper, Shawn
Kelley, Robert
Lefebvre, Roland
McCarty, Winston

Ahrens, Frederick
Arnold, Thomas, Jr.
Burke, M. Virginia
Cowenhoven, Garret
Dodge, Emma
Dykstra, Leona
Foster, Linda
Greenberg, Gary
Holden, Carol
Jean, Loren
Kurk, Neal
Lessard, Rudy
McRae, Karen

Allen, W. Gordon
Bagley, Amy
Calawa, Leon, Jr.
Daigle, Robert
Donovan, Francis
Fenton, James
Franks, Suzan
Hall, Betty
Holley, Sylvia
Johnson, Lionel
L'Heureux, Robert
Lown, Elizabeth
Mercer, Robert

Andrews, Frederick
Bergeron, Normand
Cepaitis, Elizabeth
Daniels, Gary
Drolet, Paul
Ferguson, Charles
Gagnon, Eugene
Hart, Nick
Hunter, Bruce
Kelley, Dana
Lachut, Ervin
Lozeau, DonnaLee
Messier, Irene

Milligan, Robert
Packard, Bonnie
Reidy, Frank
Searles, Stanley, Sr.
Vanderlosk, Stanley
White, John

Mittelman, David
Pepino, Leo
Riley, Frances
Sullens, Joan
Weergang, Alida
Wright, George

Moncrief, Keith
Perkins, Paul
Rodgers, G. Philip
Tate, Joan
Wells, Peter, Sr.

Moore, Elizabeth
Record, Alice
Sargent, Maxwell
Upton, Barbara
Wheeler, Robert

MERRIMACK

Barberia, Richard
Gilbreth, Robert
Kennedy, Richard
Mitchell, Vernon
Trombly, Rick

Buessing, Marjorie
Holmes, Mary
Kidder, William
Pfaff, Terence
Whalley, Michael

Chandler, Earle
Houlahan, Thomas
Langer, Ray
Stapleton, Henry
Whittemore, James

Feuerstein, Martin
Johnson, C. William
Lockwood, Robert
Teague, Bert
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Campbell, Marilyn
Coes, Betsy
Crossman, Harold, Jr.
Felch, Charles, Sr.
Flanders, John, Sr.
Hutchinson, Karen
Klemarczyk, Thaddeus
McKinney, Betsy
Ritzo, Eugene
Stone, Joseph
Vaughn, Charles
Yennaco, Carol

Arndt, Janet
Boucher, William
Chester, Sherman
Conroy, Janet
DiPietro, Carmela
Fesh, Robert
Gage, Beverly
Johnson, Bill
Klemm, Arthur, Jr.
Miller, Don
Senter, Marilyn
Stritch, C. Donald
Welch, David

Battles, Marjorie
Bove, Martin
Christie, Andrew, Jr.
Cote, Charles
Dowd, Sandra
Flanagan, Natalie
Hemenway, Thomas
Katsakiores, George
Kruse, Fred
Noyes, Richard
Skinner, Patricia
Sytek, Donna
Williamson, William

Beaulieu, Jon
Buco, Stephen
Clark, Vivian
Cote, Patricia
Drake, Herbert
Flanders, David
Hurst, Sharleene
Katsakiores, Phyllis
MacDonald, Maurice
Packard, Sherman
Smith, Arthur
Sytek, John
Woods, Deborah

STRAFFORD

Brown, Julie
Knowles, William
Torr, Ann

Callaghan, Frank
Musler, George
Torr, Franklin

Douglass, Clyde
Spear, Barbara
Wasson, Richard

Hemon, Roland
Sullivan, Henry

SULLIVAN

Behrens, Thomas
Flint, Gordon

Burling, Peter
Peyron, Fredrik

Cloutier, John
Schotanus, Merle

Domini, Irene

and the floor amendment failed.

Report adopted and ordered to third reading.

HB 1224-FN-L, authorizing the governor to include or remove counties from the emissions inspection and maintenance program. **INEXPEDIENT TO LEGISLATE**

Rep. Jeb E. Bradley for Environment and Agriculture: This bill would allow a governor to add or remove counties from the auto inspection and maintenance program. The Committee recommends against this course for two reasons. Air quality in the legislated four-county region does not meet Clean Air Act Standards. Furthermore, the need for emissions reduction credits to be used for economic development purposes is greater now than in the past. Vote 16-0.

Adopted.

HB 1332-FN, relative to certain private entities operating emissions inspection stations. **INEXPEDIENT TO LEGISLATE**

Rep. Jeb E. Bradley for Environment and Agriculture: This bill mandates that the Commissioner of the Department of Safety award additional contracts for small businesses to participate in the auto emissions test program. While the Committee sympathizes with the sponsor's intent, it should be noted that any business may bid on the emissions contract. The legislation passed in 1993 requires a competitive bid and allows for multi-bidder participation. To

require 25 percent more stations will require more personnel, administrative oversight, equipment, buildings and land. The additional personnel and infrastructure can only drive up the cost of the emissions test. The Committee believes these issues were fully debated in 1993 and that legislation appropriately balances cost to the consumer with convenience factors. Vote 16-0.

Roll call not sufficiently seconded.

Adopted.

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Kathleen W. Ward for Executive Departments and Administration: The amendment requires approval of the Director of Consumer Protection in the Department of Justice for administering rules. This protects both the board and the public to avoid unintended legal questions. Vote 14-1.

Amendment (4711B)

Amend RSA 205-A:32 as inserted by section 1 of the bill by replacing it with the following: 205-A:32 Rulemaking. The board, with the approval of the bureau chief of the consumer protection and antitrust bureau, shall adopt rules under RSA 541-A relative to the administration of the manufactured housing board fund established in RSA 205-A:31 and any other matter necessary to the administration of this subdivision.

Adopted.

Report adopted and referred to Ways and Means.

HB 1129, establishing a committee to study reducing the number of state classified and unclassified positions. INEXPEDIENT TO LEGISLATE

Rep. Kathleen W. Ward for Executive Departments and Administration: The Personnel Division is continuing to implement the \$250,000 study by Peat Marwick as vacancies occur and the Legislature continues to monitor the 70 percent of state government that has been reorganized between 1981 and 1987. The Committee feels this legislation is premature at this time in light of the ongoing activities dealing with all state employment. Vote 13-1.

Adopted.

HB 1169, relative to the membership of the aviation users advisory board. INEXPEDIENT TO LEGISLATE

Rep. Kathleen W. Ward for Executive Departments and Administration: The majority believes there is no demonstrated need to put a House or Senate member on this advisory board. Legislators have ample opportunity to impact through the process of public hearings and introduction of bills. Vote 10-5.

Adopted.

HB 1172, prohibiting employees of the liquor commission from holding elected state and local offices. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Lander for Executive Departments and Administration: The sponsor recommended that this bill be voted inexpedient to legislate. It was called to the committee's attention that the provisions of RSA 21-I:52 covers this subject in respect to classified employees. Vote 13-1.

Adopted.

HB 1195-FN-L, consolidating the pari-mutuel commission and sweepstakes commission into a gambling commission. INEXPEDIENT TO LEGISLATE

Rep. Gerald O. Gosselin for Executive Departments and Administration: This bill would consolidate the Sweepstakes Commission and the Pari-mutuel Commission. Both commissions testified against this bill. They are both very different in scope. Vote 13-2.

Rep. Burling moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor, withdrew his motion and yielded to questions.

Rep. Kathleen Ward spoke in favor of the Committee report.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 201 - NAYS 154**YEAS 201****BELKNAP**

Bartlett, Gordon
Hauck, William
Laflam, Robert
Ziegra, Alice

Cain, Thomas
Hawkins, Robert
Lawton, David

Dewhirst, Glenn
Holbrook, Robert
Turner, Robert

Golden, Paul
Johnson, Carl
Young, Niel

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Saunders, Howard

Beach, Mildred
Foster, Robert
Wiggin, Gordon

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Philbrick, Donald

CHESHIRE

Champagne, Richard
Manning, Joseph
Perry, David

Cole, Stacey
McNamara, Wanda
Russell, Ronald

Delano, Robert
Metzger, Katherine
Smith, Edwin

Hunt, John
Pearson, Gertrude
Young, David

COOS

Foss, Frederic

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Rose, William
Ward, Kathleen

Bean, Pamela
Gordon, Edward
Scanlan, David

Brown, Alson
Hill, Richard
Teschner, Douglass

Brown, Channing
Larson, Nils, Jr.
Wadsworth, Karen

HILLSBOROUGH

Ahrens, Frederick
Bagley, Amy
Cepaitis, Elizabeth
Desrosiers, William
Drolet, Paul
Fenton, James
Gosselin, Gerald
Holley, Sylvia
Kelley, Dana
McRae, Karen
Mittelman, David
Perkins, Paul
Riley, Frances
Sullens, Joan
Weergang, Alida

Amidon, Eleanor
Bowers, Dorothy
Chabot, Robert
Dodge, Emma
Durham, Susan
Fields, Dennis
Hart, Nick
Hunter, Bruce
Lown, Elizabeth
Mercer, Robert
Moncrief, Keith
Peters, Stanley
Sargent, Maxwell
Tate, Joan
Wells, Peter, Sr.

Arnold, Barbara
Burke, M. Virginia
Cowenhoven, Garret
Domaingue, Jacquelyn
Dyer, Merton
Franks, Suzan
Healy, Daniel
Jasper, Shawn
Lozeau, Donnalee
Messier, Irene
Moore, Elizabeth
Philbrook, Paula
Searles, Stanley, Sr.
Upton, Barbara
Wheeler, Robert

Asselin, Robert
Calawa, Leon, Jr.
Daniels, Gary
Donovan, Francis
Dykstra, Leona
Gagnon, Eugene
Holden, Carol
Jean, Loren
McCarty, Winston
Milligan, Robert
Packard, Bonnie
Record, Alice
Smith, Leonard
Vanderlosk, Stanley
Wright, George

MERRIMACK

Barberia, Richard
Chandler, John
Johnson, C. William
Lockwood, Robert
Shaw, Randall
Willis, Jack

Buessing, Marjorie
Fillion, Paul
Kennedy, Richard
Nichols, Avis
Stapleton, Henry

Carter, Susan
Gilbreth, Robert
Kidder, William
Pfaff, Terence
Whalley, Michael

Chandler, Earle
Holmes, Mary
Langer, Ray
Regan, Maurice
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Case, Margaret

Arndt, Janet
Boucher, William
Caswell, Albert, Jr.

Battles, Marjorie
Bove, Martin
Chester, Sherman

Beaulieu, Jon
Bucu, Stephen
Christie, Andrew, Jr.

Coes, Betsy
Dowd, Sandra
Flanagan, Natalie
Johnson, Bill
Klemarczyk, Thaddeus
Malcolm, Kenneth
O'Keefe, Patricia
Smith, Arthur
Welch, David
Yennaco, Carol

Conroy, Janet
Dube, LeRoy
Flanders, David
Johnson, Robert
Lee, Rebecca
McKinney, Betsy
Packard, Sherman
Stone, Joseph
Weyler, Kenneth

Cote, Patricia
Felch, Charles, Sr.
Flanders, John, Sr.
Katsakiores, George
Lovejoy, Marian
Miller, Don
Putnam, Ed, II
Sytek, Donna
Williamson, William

Crossman, Harold, Jr.
Fesh, Robert
Groves, Bonnie
Katsakiores, Phyllis
MacDonald, Maurice
Noyes, Richard
Senter, Marilyn
Sytek, John
Woods, Deborah

STRAFFORD

Brown, George
Hashem, Elaine
Sullivan, Henry
Wall, Janet

Brown, Julie
Keans, Sandra
Torr, Ann
Wasson, Richard

Douglass, Clyde
McKinley, Robert
Torr, Franklin

Dunlap, Patricia
Spear, Barbara
Vincent, Francis

SULLIVAN

Domini, Irene
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

Rodeschin, Beverly

NAYS 154

BELKNAP

Campbell, Richard, Jr.

Rice, Thomas, Jr.

Rosen, Ralph

Salatiello, Thomas

CARROLL

Mock, Henry

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Riley, William

Burnham, Daniel
Lynch, Margaret
Robertson, Timothy

DePecol, Benjamin
McGuirk, Paul
Royce, H. Charles

Foster, Katherine
Richardson, Barbara

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Harwell, Tyler
Pratt, Leighton

Hawkinson, Marie

GRAFTON

Below, Clifton
Eaton, Stephanie
Nordgren, Sharon

Chase, Paul, Jr.
Guest, Robert
Trelfa, Richard

Copenhaver, Marion
Ham, Bonnie

Crory, Elizabeth
LaMott, Paul

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.
Buckley, Raymond
Daigle, Robert
Foster, Linda
Haettenschwiller, Alphonse
Johnson, Lionel
L'Heureux, Robert
Lefebvre, Roland
Murphy, Robert
Plourde, Alphonse
Soucy, Donna
White, John

Ahlgren, Madelyn
Bergeron, Lucien
Clemons, Jane
Drabinowicz, A. Theresa
Gage, Ruth
Hall, Betty
Kelley, Robert
Lachut, Ervin
Lessard, Rudy
Nardi, Theodora
Reidy, Frank
Soucy, Richard

Allen, W. Gordon
Bergeron, Normand
Cote, David
Dwyer, Patricia
Gervais, Glen
Hanselman, Gregory
Kirby, Thomas
Laughlin, J. Francis
Martin, Mary Ellen
O'Rourke, Joanne
Rodgers, G. Philip
Toomey, Kathryn

Andrews, Frederick
Borsa, Andrew
Crotty, Edward
Ferguson, Charles
Greenberg, Gary
Jean, Claudette
Kurk, Neal
Leclerc, Charles
Morrisette, Roland
Pepino, Leo
Rothhaus, Finlay
Turgeon, Roland

MERRIMACK

Braiterman, Thea
French, Barbara
Newland, Matthew
Trombly, Rick

Daneault, Gabriel
Houlahan, Thomas
Owen, Derek
Wallner, Mary Jane

Dunn, Miriam
Mitchell, Vernon
Rogers, Katherine
Ward, Jay

Feuerstein, Martin
Moore, Carol
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Cote, Charles
Gage, Beverly
Hutchinson, Karen
McGovern, Cynthia
Rosencrantz, James
St. Martin, Tommy
Warburton, Calvin

Campbell, Marilyn
DiPietro, Carmela
Gorman, Donald
Kane, Cecelia
Moore, Benjamin
Rubin, George
Stritch, C. Donald

Clark, Martha
Dowling, Patricia
Hemenway, Thomas
Klemm, Arthur, Jr.
Raynowska, Bernard
Skinner, Patricia
Syracusa, Anthony

Clark, Vivian
Drake, Herbert
Hurst, Sharleene
Kruise, Fred
Ritzo, Eugene
Splaine, James
Vaughn, Charles

STRAFFORD

Callaghan, Frank
Hemon, Roland
Loder, Suzanne
Merritt, Deborah
Pelletier, Marsha

Chagnon, Ronald
Hilliard, Dana
Lundborn, Raymond
Musler, George
Rogers, Rose Marie

Gilmore, Gary
Kincaid, William
McGrath, J. Gregory
Pageotte, Donald
Snyder, Clair

Hambrick, Patricia
Knowles, William
Merrill, Amanda
Pelletier, Arthur
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon

Behrens, Thomas
Holl, Ann

Burling, Peter
Palmer, Lorraine

Cloutier, John

and the report was adopted.

HB 1192, establishing a committee to study the issue of the elderly and the cost of prescription drugs. **INEXPEDIENT TO LEGISLATE**

Rep. Alphonse Haettenschwiller for Health, Human Services and Elderly Affairs: While the committee agreed that helping the elderly meet the cost of prescription drugs in many cases was a problem, it felt this issue needs to be addressed as part of overall health care reform. Vote 17-1.

Rep. Braiterman spoke against.

Rep. Haettenschwiller spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 219 - NAYS 126**YEAS 219****BELKNAP**

Bartlett, Gordon
Hauck, William
Lafam, Robert

Cain, Thomas
Hawkins, Robert
Lawton, David

Dewhirst, Glenn
Holbrook, Robert
Young, Niel

Golden, Paul
Johnson, Carl
Ziegler, Alice

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Philbrick, Donald

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Mock, Henry

CHESHIRE

Avery, Stephen
Foster, Katherine
Metzger, Katherine
Royce, H. Charles

Bonneau, Sarah
Hunt, John
Pearson, Gertrude
Smith, Edwin

Cole, Stacey
Manning, Joseph
Perry, David

Delano, Robert
McNamara, Wanda
Robertson, Timothy

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Guay, Lawrence
Harwell, Tyler	Horton, Lynn	Merrill, Gerald	

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Brown, Patricia	Eaton, Stephanie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	Rose, William	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Ahern, Richard	Ahrens, Frederick	Amidon, Eleanor	Andrews, Frederick
Arnold, Barbara	Arnold, Thomas, Jr.	Bagley, Amy	Borsa, Andrew
Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Cowenhoven, Garret	Daniels, Gary	Desrosiers, William
Dodge, Emma	Drolet, Paul	Durham, Susan	Dyer, Merton
Fenton, James	Ferguson, Charles	Fields, Dennis	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Greenberg, Gary	Haettenschwiller, Alphonse
Hart, Nick	Healy, Daniel	Holden, Carol	Holley, Sylvia
Hunter, Bruce	Jasper, Shawn	Jean, Loren	Kelley, Dana
Kelley, Robert	Kurk, Neal	L'Heureux, Robert	Lown, Elizabeth
Lozeau, Donnalee	McCarty, Winston	McRae, Karen	Mercer, Robert
Mittelman, David	Moore, Elizabeth	Packard, Bonnie	Peters, Stanley
Record, Alice	Reidy, Frank	Riley, Frances	Rodgers, G. Philip
Rothhaus, Finlay	Sargent, Maxwell	Searles, Stanley, Sr.	Soucy, Richard
Sullens, Joan	Tate, Joan	Upton, Barbara	Vanderlosk, Stanley
Weergang, Alida	Wells, Peter, Sr.	Wheeler, Robert	White, John
Wright, George			

MERRIMACK

Barberia, Richard	Carter, Susan	Chandler, Earle	Chandler, John
Fillion, Paul	French, Barbara	Gilbreth, Robert	Holmes, Mary
Johnson, C. William	Kennedy, Richard	Lockwood, Robert	Mitchell, Vernon
Nichols, Avis	Owen, Derek	Pfaff, Terence	Regan, Maurice
Shaw, Randall	Stapleton, Henry	Teague, Bert	Whalley, Michael
Whittemore, James	Willis, Jack		

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Beaulieu, Jon	Bell, Juanita
Blake, Daniel	Boucher, William	Bove, Martin	Case, Margaret
Chester, Sherman	Christie, Andrew, Jr.	Clark, Vivian	Conroy, Janet
Cote, Charles	Cote, Patricia	DiPietro, Carmela	Dowd, Sandra
Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Groves, Bonnie
Johnson, Bill	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca
Lovejoy, Marian	MacDonald, Maurice	Malcolm, Kenneth	McKinney, Betsy
Miller, Don	Noyes, Richard	O'Keefe, Patricia	Packard, Sherman
Putnam, Ed, II	Raynowska, Bernard	Rosencrantz, James	Rubin, George
Senter, Marilyn	Skinner, Patricia	Smith, Arthur	Stone, Joseph
Syracusa, Anthony	Sytek, Donna	Sytek, John	Welch, David
Weyler, Kenneth	Woods, Deborah		

STRAFFORD

Brown, Julie	Callaghan, Frank	Douglass, Clyde	Hemon, Roland
McKinley, Robert	Musler, George	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Vincent, Francis	Wall, Janet
Wasson, Richard	Wheeler, Katherine		

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Domini, Irene

Lindblade, Eric

Peyron, Fredrik

NAYS 126**BELKNAP**

Campbell, Richard, Jr.

Salatiello, Thomas

Smith, Linda

Turner, Robert

CARROLL

None

CHESHIRE

Burnham, Daniel
Lynch, Margaret

Champagne, Richard
McGuirk, Paul

DePecol, Benjamin
Richardson, Barbara

Kingsbury, H. Thayer
Riley, William

COOS

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

Pratt, Leighton

GRAFTON

Below, Clifton
Gordon, Edward

Chase, Paul, Jr.
Guest, Robert

Copenhaver, Marion
Ham, Bonnie

Crory, Elizabeth
Nordgren, Sharon

HILLSBOROUGH

Ahlgren, Madelyn
Bergeron, Normand
Crotty, Edward
Dwyer, Patricia
Hall, Betty
Kirby, Thomas
Lefebvre, Roland
Milligan, Robert
Nardi, Theodora
Philbrook, Paula
Toomey, Kathryn

Allen, W. Gordon
Buckley, Raymond
Daigle, Robert
Gage, Ruth
Hanselman, Gregory
Lachut, Ervin
Lessard, Rudy
Moncrief, Keith
O'Rourke, Joanne
Plourde, Alphonse
Turgeon, Roland

Asselin, Robert
Clemons, Jane
Donovan, Francis
Gervais, Glen
Jean, Claudette
Laughlin, J. Francis
Martin, Mary Ellen
Morrissette, Roland
Pepino, Leo
Smith, Leonard

Bergeron, Lucien
Cote, David
Drabinowicz, A. Theresa
Gosselin, Gerald
Johnson, Lionel
Leclerc, Charles
Messier, Irene
Murphy, Robert
Perkins, Paul
Soucy, Donna

MERRIMACK

Braiterman, Thea
Feuerstein, Martin
Newland, Matthew
Ward, Jay

Buessing, Marjorie
Houlahan, Thomas
Rogers, Katherine
Yeaton, Charles

Daneault, Gabriel
Langer, Ray
Trombly, Rick

Dunn, Miriam
Moore, Carol
Wallner, Mary Jane

ROCKINGHAM

Arndt, Janet
Clark, Martha
Fesh, Robert
Hutchinson, Karen
St. Martin, Tommy
Williamson, William

Buco, Stephen
Coes, Betsy
Gorman, Donald
Johnson, Robert
Stritch, C. Donald
Yennaco, Carol

Campbell, Marilyn
Crossman, Harold, Jr.
Hemenway, Thomas
Ritzo, Eugene
Vaughn, Charles

Caswell, Albert, Jr.
Dowling, Patricia
Hurst, Sharleene
Splaine, James
Warburton, Calvin

STRAFFORD

Brown, George
Hambrick, Patricia
Kincaid, William
McGrath, J. Gregory
Pelletier, Arthur

Chagnon, Ronald
Hashem, Elaine
Knowles, William
Merrill, Amanda
Pelletier, Marsha

Dunlap, Patricia
Hilliard, Dana
Loder, Suzanne
Merritt, Deborah
Rogers, Rose Marie

Gilmore, Gary
Keans, Sandra
Lundborn, Raymond
Pageotte, Donald
Snyder, Clair

SULLIVAN

Allison, David

Burling, Peter

Holl, Ann

Palmer, Lorraine

and the report was adopted.

HB 1239, requiring peace officers to be trained in assisting sexual assault victims and giving the state police jurisdiction in certain sexual assault offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce Hunter for Public Protection and Veterans Affairs: The Committee heard testimony from many interested parties and professionals on the desirability of enhanced training of police officers in dealing with victims of sexual assault. The bill, as written, addresses State Police jurisdiction in towns with more than 3,000 population. The sponsors have agreed that SB 771-FN-A is an approach that better addresses the solution and, therefore, the committee, after consulting with the sponsors, recommends Inexpedient to Legislate, Vote 15-0.

Rep. Welch spoke in favor.

LAID ON THE TABLE

Rep. John Flanders moved that **HB 1239**, requiring peace officers to be trained in assisting sexual assault victims and giving the state police jurisdiction in certain sexual assault offenses, be laid upon the table.

Adopted.

REGULAR CALENDAR (Cont'd)

HB 127-FN, relative to private lease of state railroad real estate. **OUGHT TO PASS**

Rep. Douglass P. Teschner for Ways and Means: The committee supports the Transportation Committee's position that a lease of \$5 per running foot is a reasonable charge. Vote 11-1.

Adopted and ordered to third reading.

HB 656-FN, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. **INEXPEDIENT TO LEGISLATE**

Rep. Paul I. LaMott for Appropriations: There are not sufficient funds at this time to fund both HB 414-FN-L and this bill. The testimony showed HB 414-FN-L was the priority. Vote 20-0.

Rep. Channing Brown moved Recommit to Committee and spoke in favor.

Adopted.

HB 1128, revising the selection process for the board of education. **INEXPEDIENT TO LEGISLATE**

Rep. J. Gregory McGrath for Executive Departments and Administration: The committee did not take any position on whether the selection process for the board should be revised. It did feel that if it were to be revised, selection by lot was not appropriate. Vote 14-0.

Rep. Kathleen Ward moved that debate be limited to five minutes on each side, including questions.

Adopted.

Rep. Hemon moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. McGrath spoke against.

The motion failed and the report was adopted.

HB 1385-L, changing the property tax rate for single family homeowners. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Municipal and County Government: This bill is mandated legislation, not enabling. All the work required by the bill would have to be done at the local level rather than having the Department of Revenue Administration handling the tax rate structure. This appears to be a very neat way to bring about an income tax at the local level without going through the Ways and Means Committee. Vote 14-0.

Rep. Hemon moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Stone spoke against.

The motion failed and the report was adopted.

HB 1175, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. **OUGHT TO PASS**

Rep. Loren J. Jean for Public Protection and Veterans Affairs: This bill was heard on January 12, 1994 and the attendance was sufficient to warrant additional seating and standing room-

only, both in the committee room and hall outside. Written testimony continued to arrive for days afterward with no opposition from anyone attending the hearing. The concept of self defense as a reason to carry a concealed weapon is certainly consistent with our New Hampshire Constitution and United States Bill of Rights and should be acknowledged with the other legitimate reasons such as target shooting and hunting. Vote 14-0.

Rep. Loren Jean yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 283 - NAYS 66

YEAS 283

BELKNAP

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hauck, William	Hawkins, Robert	Holbrook, Robert
Johnson, Carl	Laffam, Robert	Lawton, David	Rice, Thomas, Jr.
Salatiello, Thomas	Smith, Linda	Turner, Robert	Young, Niel
Ziegra, Alice			

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy
Mock, Henry	Philbrick, Donald	Saunders, Howard	Wiggin, Gordon

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Cole, Stacey	Delano, Robert
Hunt, John	Manning, Joseph	McGuirk, Paul	Pearson, Gertrude
Perry, David	Royce, H. Charles	Russell, Ronald	Smith, Edwin

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Guay, Lawrence
Harwell, Tyler	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Brown, Patricia	Chase, Paul, Jr.	Gordon, Edward
Ham, Bonnie	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
McIlwaine, Deborah	Rose, William	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Ahlgren, Madelyn	Ahrens, Frederick	Allen, W. Gordon	Amidon, Eleanor
Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.	Asselin, Robert
Bagley, Amy	Bergeron, Lucien	Borsa, Andrew	Bowers, Dorothy
Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Cote, David	Cowenhoven, Garret	Crotty, Edward
Daigle, Robert	Daniels, Gary	Desrosiers, William	Dodge, Emma
Domaingue, Jacquelyn	Drabinowicz, A. Theresa	Drolet, Paul	Durham, Susan
Dwyer, Patricia	Dyer, Merton	Dykstra, Leona	Fenton, James
Ferguson, Charles	Fields, Dennis	Foster, Linda	Franks, Suzan
Gage, Ruth	Gagnon, Eugene	Gosselin, Gerald	Greenberg, Gary
Hanselman, Gregory	Hart, Nick	Healy, Daniel	Holden, Carol
Hunter, Bruce	Jasper, Shawn	Jean, Claudette	Jean, Loren
Johnson, Lionel	Kelley, Dana	Kelley, Robert	Kirby, Thomas
Kurk, Neal	L'Heureux, Robert	Lachut, Ervin	Laughlin, J. Francis
Lefebvre, Roland	Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee

Martin, Mary Ellen
 Milligan, Robert
 Morrisette, Roland
 Pepino, Leo
 Plourde, Alphonse
 Rothhaus, Finlay
 Sullens, Joan
 Upton, Barbara
 Wheeler, Robert

McCarty, Winston
 Mittelman, David
 Murphy, Robert
 Perkins, Paul
 Record, Alice
 Sargent, Maxwell
 Tate, Joan
 Vanderlosk, Stanley
 Wright, George

McRae, Karen
 Moncrief, Keith
 O'Rourke, Joanne
 Peters, Stanley
 Reidy, Frank
 Searles, Stanley, Sr.
 Toomey, Kathryn
 Weergang, Alida

Mercer, Robert
 Moore, Elizabeth
 Packard, Bonnie
 Philbrook, Paula
 Riley, Frances
 Soucy, Richard
 Turgeon, Roland
 Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
 Chandler, John
 Johnson, C. William
 Lockwood, Robert
 Owen, Derek
 Stapleton, Henry
 Whalley, Michael

Buessing, Marjorie
 Daneault, Gabriel
 Kennedy, Richard
 Mitchell, Vernon
 Pfaff, Terence
 Teague, Bert
 Whittemore, James

Carter, Susan
 Holmes, Mary
 Kidder, William
 Newland, Matthew
 Regan, Maurice
 Trombly, Rick
 Willis, Jack

Chandler, Earle
 Houlahan, Thomas
 Langer, Ray
 Nichols, Avis
 Shaw, Randall
 Ward, Jay

ROCKINGHAM

Aranda, M. Kathryn
 Blake, Daniel
 Campbell, Marilyn
 Clark, Vivian
 Crossman, Harold, Jr.
 Drake, Herbert
 Flanagan, Natalie
 Gorman, Donald
 Hutchinson, Karen
 Katsakiores, Phyllis
 Lee, Rebecca
 McKinney, Betsy
 Putnam, Ed, II
 Rubin, George
 St. Martin, Tommy
 Sytek, Donna
 Weyler, Kenneth

Arndt, Janet
 Boucher, William
 Case, Margaret
 Conroy, Janet
 DiPietro, Carmela
 Dube, LeRoy
 Flanders, David
 Groves, Bonnie
 Johnson, Bill
 Klemarczyk, Thaddeus
 Lovejoy, Marian
 Miller, Don
 Raynowska, Bernard
 Senter, Merilyn
 Stone, Joseph
 Sytek, John
 Woods, Deborah

Battles, Marjorie
 Bove, Martin
 Chester, Sherman
 Cote, Charles
 Dowd, Sandra
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Hemenway, Thomas
 Johnson, Robert
 Klemm, Arthur, Jr.
 MacDonald, Maurice
 Noyes, Richard
 Ritzo, Eugene
 Skinner, Patricia
 Stritch, C. Donald
 Warburton, Calvin

Beaulieu, Jon
 Bucu, Stephen
 Christie, Andrew, Jr.
 Cote, Patricia
 Dowling, Patricia
 Fesh, Robert
 Gage, Beverly
 Hurst, Sharleene
 Katsakiores, George
 Kruse, Fred
 Malcolm, Kenneth
 Packard, Sherman
 Rosencrantz, James
 Smith, Arthur
 Syracuse, Anthony
 Welch, David

STRAFFORD

Brown, George
 Dunlap, Patricia
 Kincaid, William
 Pageotte, Donald
 Torr, Franklin

Brown, Julie
 Hashem, Elaine
 Lundborn, Raymond
 Spear, Barbara
 Vincent, Francis

Chagnon, Ronald
 Hemon, Roland
 McKinley, Robert
 Sullivan, Henry
 Wall, Janet

Douglass, Clyde
 Hilliard, Dana
 Musler, George
 Torr, Ann
 Wasson, Richard

SULLIVAN

Behrens, Thomas
 Peyron, Fredrik

Domini, Irene
 Rodeschin, Beverly

Holl, Ann
 Schotanus, Merle

Lindblade, Eric

NAYS 66

BELKNAP

None

CARROLL

None

CHESHIRE

Burnham, Daniel	Champagne, Richard	Foster, Katherine	Kingsbury, H. Thayer
Lynch, Margaret	McNamara, Wanda	Metzger, Katherine	Richardson, Barbara
Riley, William	Robertson, Timothy		

COOS

Hawkinson, Marie	Mayhew, Josephine
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GRAFTON

Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie	Guest, Robert
Nordgren, Sharon			

HILLSBOROUGH

Ahern, Richard	Bergeron, Normand	Clemons, Jane	Donovan, Francis
Gervais, Glen	Haettenschwiller, Alphonse	Hall, Betty	Holley, Sylvia
Leclerc, Charles	Messier, Irene	Nardi, Theodora	Smith, Leonard
Soucy, Donna	White, John		

MERRIMACK

Braiterman, Thea	Dunn, Miriam	Feuerstein, Martin	Fillion, Paul
French, Barbara	Gilbreth, Robert	Moore, Carol	Rogers, Katherine
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Bell, Juanita	Caswell, Albert, Jr.	Clark, Martha	Coes, Betsy
Kane, Cecelia	O'Keefe, Patricia	Splaine, James	Vaughn, Charles
Williamson, William	Yennaco, Carol		

STRAFFORD

Callaghan, Frank	Gilmore, Gary	Hambrick, Patricia	Keans, Sandra
Knowles, William	Loder, Suzanne	McGrath, J. Gregory	Merrill, Amanda
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Snyder, Clair
Wheeler, Katherine			

SULLIVAN

Burling, Peter	Palmer, Lorraine
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and the Committee report was adopted.
Ordered to third reading.

HB 1100, prohibiting the release of wolves. **INEXPEDIENT TO LEGISLATE**

Rep. Ervin R. Lachut for Wildlife and Marine Resources: Although the majority of land-owners, sportsmen and the Farm Bureau testified in favor of the bill, the committee felt that it has been addressed by R.S.A. 207:14 on importing and releasing wildlife. Therefore, it is unnecessary. Vote 11-1.

Rep. Drake moved to Recommit to Committee and spoke in favor.
Adopted.

HB 1143, increasing the penalties for illegal clamming. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clyde J. Douglass for Wildlife and Marine Resources: The committee, by its action to increase the penalties for the illegal harvesting of clams, has finally given the Fish and Game Department the ability to penalize the offenders with more than a minor fine. This should give illegal clammers a chance to reconsider their desire to harvest clams illegally. Vote 11-1.

Rep. Drake moved Recommit to Committee and spoke in favor.
Adopted.

HB 1438, adopting the striped bass as the state saltwater game fish. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda Ann Smith for Wildlife and Marine Resources: Committee voted 12-0 to adopt the striped bass the State saltwater game fish. This bill has economic status in that the striped bass will now be classified as a "game fish." The intent is to keep the striped bass population healthy and preserve it as a recreational fish." Vote 12-0.

Amendment (4673B)

Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect upon its passage.

Rep. Drake spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

SENATE MESSAGE

CONCURRENCE

HB 1579-FN-A-L, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1579-FN-A-L

Rep. Dunn for the Committee

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 8, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 414-FN-L, providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system.

HB 1543-FN-A, relative to interest from youth development center resident trust accounts, allowing the administrator to establish other accounts, and changing the title of the "bureau of secure care" to the "bureau of residential services."

HB 1114, relative to child support enforcement orders.

HB 1147-FN, relative to parental liability for support of dependent children on public assistance.

HB 1193, amending the charter of St. Mary's Bank.

HB 1203-FN, making technical amendments to the banking laws.

HB 1345, relative to payments to the state treasurer.

HB 1116, relative to the release of health care data.

HBI 21, relating to persons with disabilities who are "wait listed" with the department of health and human services.

HB 1207-FN, relative to the administration of small estates.

HB 1255, making technical amendments to the limited liability company laws.

HB 1251, relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits.

HB 1364, changing the renewal date for a license to carry a pistol or revolver.

HB 1133, allowing organization members' spouses to assist at bingo games.

HB 1112, permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials.

HB 317, establishing a grant program for closure of unlined solid waste landfills.

HB 459-FN-A, establishing a program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor.

HB 449, relative to listing candidates on general election ballots.

HB 127-FN, relative to private lease state railroad real estate.

HB 1175, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license.

HB 1438, adopting the striped bass as the state saltwater game fish.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 3:35 p.m.

RECESS

Rep. Jasper moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 6

Tuesday, February 8, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Lucille Richard from the Bethlehem and Whitefield United Methodist Churches.

Let us be in the Spirit of prayer. God of all peoples, Who created and is still creating, Who speaks in many voices, has many faces and is known by many names, but Who is the one spirit who moves and works among us all. We give You thanks for this day and for the opportunity to share this time with our friends and colleagues, to meet new people and to meet the old and new challenges of the day.

We ask Your blessings on all who gather here and pray for Your guiding hand and wisdom as they work for peace and for justice for all people. Grant them Your strength as they labor to change what needs to be changed, keep what needs to be kept and to go forward on new ground where new ground needs to be opened, and the confidence to speak and do what is right with conviction. Fill us all with vision and purpose and lead us to be the faithful servants You call us to be. In freedom, and in the trust You call us all into, we pray in Your name. Amen.

Rep. Felch led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. O'Brien, Champagne, Joan Kane, Tate, Battles, Chase and Elizabeth Moore, the day, illness.

Reps. Schanda, Paquette, Paul White, Asselin, Holl, Thomas Cain, Teague, Crum, Joyce Johnson, Miller, MacDonald, Dwyer, Irene Pratt, Bucu and Ahlgren, the day, important business.

Rep. Hashem, the day, death in the family.

Rep. McCann, the day, illness in the family.

INTRODUCTION OF GUESTS

Members of the UNH Cooperative Extension family and community leadership, class of 1994, guests of Rep. Katharin Pratt. Orson Smith, father and guest of Rep. Edwin Smith. Mrs. Paul Golden and Alfreda Tiede, wife and guest of Rep. Golden. The officers and presidents of the New Hampshire Federation of Republican Women's Clubs, guests of Reps. Holden, Pearson, Bonnie Packard, Flanagan, Kathleen Ward and Skinner. Rick Evans, guest of Rep. Scanlan. Representative-elect Jane O'Hearn, guest of Rep. Haettenschwiller.

SPECIAL GUESTS

The Hallelujah Singers from Beaufort, SC performed. Guests of the House.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 257-FN, establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys, was removed at the request of Rep. Kurk.

HB 1324, relative to training for parents so they can provide kindergarten education to their children, was removed at the request of Rep. Hemon.

CACR 27, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot, was removed at the request of Rep. Hemon.

HB 1168, eliminating the requirement that any person applying for a mooring permit furnish the director of safety services with proof of a boat registration or boat ownership, was removed at the request of Rep. Andrews.

HR 45, relative to cable television and retransmission consent, was removed at the request of Rep. Rodeschin.

Consent Calendar adopted.

HB 161-FN-A, increasing the amount paid to members of the adult parole board, increasing its membership, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Appropriations: The Committee felt that increasing the membership to seven allowed for expansion in the number of panels available for hearings. However, the appropriation for the increase was removed until a full review of per diems for boards and committees is completed. Vote 22-0.

Amendment (4766B)

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the membership of the adult parole board.

Amend the bill by replacing all after the enacting clause with the following:

1 Parole Board; Membership Increased. Amend RSA 651-A:3, I to read as follows:

I. There shall be an adult parole board with [5] 7 members. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. *The board shall include at least one female member.* A vacancy on the board shall be filled for the unexpired term. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his absence. *In the case of a revocation hearing an attorney of the board shall be present at the hearing.* Board members shall be paid \$50 a day plus mileage at the state employee rate while engaged in parole hearings or administrative meetings.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill increases the membership of the adult parole board.

HB 178-FN, relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur P. Klemm, Jr. for Appropriations: The amended bill adds a stenographer position to the attorney general's office so that the investigator in the attorney general's office can spend more time investigating complaints filed with the state through its various boards. The position is to be funded by the boards which have access to the investigator. The committee also removed the per diem asked for in the bill because of a future study which will be done studying the per diems of all boards in state government, which could lead to future recommendations. The third change the committee made was to remove the section of the bill which would have enabled board members to designate "other qualified persons" to preside at hearings and issue oaths or affirmations to witnesses. The bill also increases the cap on administrative fines to \$3000. and daily fines to \$300. as long as the violation continues. Vote 20-0.

Amendment (4918B)

Amend the bill by deleting section 2 and renumbering sections 3-17 to read as 2-16, respectively.

Amend the bill by deleting section 7 and renumbering sections 8-16 to read as 7-15, respectively.

Amend the bill by replacing sections 10-15 with the following:

10 Attorney General Authorized to Fill Positions. The attorney general is authorized to hire, as of the effective date of this act, one legal stenographer III at labor grade 12.

11 Division of Public Protection. Amend 1993, 349:1 by replacing PAU 02, 04, 02, 02 with the following:

- 02 Admin of justice and public prtn
- 04 Department of justice
- 02 Division of public protection
- 02 Consumer protection

	<i>Fiscal Year 1994</i>	<i>Fiscal Year 1995</i>
10 Personal services-permanent	\$120,493	\$142,759
13 Assistant attorneys general	202,121	214,453
14 Investigators	117,594	123,396
20 Current expenses	9,750	12,200
24 Maint. other than build and grounds	500	500

	<i>Fiscal Year 1994</i>	<i>Fiscal Year 1995</i>
30 Equipment	3,000	0
60 Benefits	94,405	101,215
70 In-state travel	700	700
Total	548,563	595,223
Estimated source of funds for consumer protection		
General fund	548,563	595,223
Total	548,563	595,223

12 Joint Board. Amend PAU, 02, 06, 02, 01 as inserted by 1993, 349:1 as follows:

Insert:

49 Transfers to other state agencies*	D	\$ 4,362	\$ 13,381
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Strike out:

General fund		163,174	168,669
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Insert:

General fund		167,536	182,050
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*Transfers of money from this PAU shall only be taken from the board of engineers and the board of land surveyors.

13 Chiropractic Board. Amend PAU 05, 01, 08, 01 as inserted by 1993, 349:1 as follows:

Insert:

49 Transfers to other state agencies	D	\$ 969	\$ 3,305
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Strike out:

General fund		25,126	25,193
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Insert:

General fund		26,095	28,498
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14 Dental Board. Amend PAU 05, 01, 08, 03 as inserted by 1993, 349:1 as follows:

	<i>Fiscal Year 1994</i>	<i>Fiscal Year 1995</i>
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Strike out:

49 Transfers to other state agencies	D	\$ 18,740	\$ 18,740
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Insert:

49 Transfers to other state agencies	D	23,101	29,567
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Strike out:

General fund		133,177	138,600
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Insert:

General fund		137,538	149,427
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15 Effective Date.

I. Sections 1-8 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, sections 1-10 of which are requested by the board of examiners of psychology and mental health practice, redefines certain procedures applicable to the board of examiners of psychology and mental health practice.

1. The term "certificate holder" is defined and substituted for the term certified members and similar terms.

2. Administrative fines may be assessed for persons other than those subject to discipline under RSA 330-A:14.

3. The cap on administrative fines is increased to \$3,000, and a \$300 daily fine may be assessed for as long as the violation continues.

4. Those eligible to be retained for adjudicatory proceedings are redefined and include "other qualified persons." With limitations, the board may request the governor and council to provide funding for such expenses.

5. In addition to board members, their designees may preside at hearings and issue oaths or affirmations to witnesses. However, at least one board member shall be present.

The bill also adds new duties to the consumer protection and anti-trust bureau and transfers money from the PAUs for certain regulatory boards to the consumer protection and anti-trust bureau for that purpose.

HB 190-FN, giving the department of resources and economic development and the department of transportation joint stewardship over certain rail lines and splitting the lease revenues for certain rail properties between the 2 departments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald P. Merrill for Appropriations: As amended, this bill would, effective July 1, 1995, transfer 60% of state-owned abandoned railroad lease revenues to the State Park Fund to help fund joint DOT-DRED maintenance of rail lines used for the statewide trail system. Vote 17-0.

Amendment (4861B)

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect July 1, 1995.

HB 1280, relative to requiring identifying information and credibility verification regarding the reporter and reports, and revising certain definitions in the child protection act. **INEXPEDIENT TO LEGISLATE**

Rep. Josephine Mayhew for Children, Youth and Juvenile Justice: If HB 1280 passed, many children would fall through the cracks. A narrow definition of "abused child" and "neglected child" would exclude a lot of children. Two examples follow: a toddler who was burned repeatedly with cigarettes would not be in the system, and it would exclude a child locked in a closet for hours. The committee felt this was not in the best interest of the children of New Hampshire. Vote 15-0.

HB 1281, raising the burden of proof to support allegations under the child protection act. **INEXPEDIENT TO LEGISLATE**

Rep. Carol H. Holden for Children, Youth and Juvenile Justice: This bill would raise the burden of proof to "beyond a reasonable doubt." Under current law, the petitioner has to prove the allegations by a "preponderance of the evidence." The committee felt that the preponderance of evidence proof is consistent with the purpose of RSA 169-C:2, which provides protection to children and establishes a judicial framework to protect the rights of all parties involved. Vote 17-0.

HB 1373, prohibiting the use of hearsay evidence in child abuse and neglect cases. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah P. McIlwaine for Children, Youth and Juvenile Justice: "Hearsay" is simply "any out-of-court statement." It is permissible in many court and criminal proceedings. Without it, a child would have to go on the stand; emergency and ex parte orders would be impossible, and parents could be harmed. In addition, costs would escalate substantially because of the longer time needed to bring witnesses to court and witness fees. Vote 17-0.

HB 1248, prohibiting a buyer's premium at certain auctions in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs: After testimony was taken at the hearing, the Commerce Committee voted to allow "buyer's premium" with full disclosure in advertising and at the site of the auction. Vote 15-0.

Amendment (4801B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring disclosure that a buyer's premium will be charged at certain auctions in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Buyer's Premium. Amend RSA 358-G by inserting after section 2 the following new section:

358-G:2-a Disclosure Required. If a buyer's premium is to be charged at any auction held in this state, any advertisement for such auction shall state clearly that a buyer's premium will be charged. In addition, a notice disclosing that a buyer's premium will be charged shall also be posted conspicuously at the site of the auction.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill requires that, if a buyer's premium is to be charged at an auction, it must be so stated in all advertisements for the auction and posted at the auction site.

HB 1344, requiring financial institutions which sell notes to disclose the sale price of the note to the debtor and any obligor on the note, upon request. **INEXPEDIENT TO LEGISLATE**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill requiring lending institutions to divulge to the debtor the sale price if their note was sold into the secondary market was voted inexpedient to legislate when it was discovered provisions of federal law already covered the situation. Vote 14-1.

HB 1371, relative to claiming the homestead right in a levy by sale of an execution on real estate. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill provides that due notice of a homestead exemption be provided to any person who resides on the real estate to be sold. The bill also clarifies the existing exemption of \$30,000 for an individual and \$60,000 for a husband and wife. Testimony revealed the lack of knowledge on how to claim the exemption and the number of problems which have arisen when sheriffs are unaware of the procedure. Vote 13-1.

Amendment (4880B)

Amend RSA 529:25-a as inserted by section 4 of the bill by inserting after paragraph III the following new paragraphs:

IV. If the purchaser at the sale is the creditor in whose favor the execution issued, said judgment creditor shall not be required to pay to the debtor the amount of the homestead until the expiration of the redemption period set forth in RSA 529:26, or until the debtor voluntarily or involuntarily vacates the property, whichever occurs first.

V. If the payment of the full amount of the homestead is not made to the debtor or the debtor's spouse, within 10 days of the expiration of the redemption period set forth in RSA 529:26, the sale shall be void.

HB 1306, prohibiting term limitations for state senators and state representatives. **INEXPEDIENT TO LEGISLATE**

Rep. Calvin Warburton for Constitutional and Statutory Revision: This bill has no life after this session. A new bill next session could be entered to limit terms and included in it repealing the RSA. Vote 12-0.

HB 1375, allowing voters to override a request for a secret ballot or a request to retake a vote at town and school district meetings. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis M. Katsakiores for Constitutional and Statutory Revision: The sponsor of the bill asked to vote this bill Inexpedient to Legislate because this would be taken care of in House Bill 497. Vote 14-0.

HB 1457-L, requiring vacancies in the office of state representative to be filled by a vote of the county convention for the remainder of the representative's term. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Young for Constitutional and Statutory Revision: The unanimous vote of the committee was for the local voters only to choose their representatives and not for vacancies of the office of state representative to be filled by a vote of the county convention. Vote 14-0.

HB 1109, relative to dual enrollment. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. Hutchinson for Education: The committee believes that resident students enrolled in non-public schools or home-educated students should have the ability to utilize public school facilities within parameters set by local school board policy since the public schools are financially supported by the families of these students. Vote 14-1.

Amendment (4894B)

Amend RSA 193:1-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Nonpublic or home educated, resident students shall be eligible to attend curricular, public school courses subject to local board policy.

HB 1346-FN, authorizing the department of environmental services to impose administrative fines under air pollution control, asbestos management and control, the acid rain control act and the air toxic control act, and to subject to rulemaking the designation of toxic air pollutants under the air toxic control act. **REFER FOR INTERIM STUDY**

Rep. Jeb E. Bradley for Environment and Agriculture: While this bill has merit, more work needs to be done before legislation can be passed. The sponsors and committee request interim study. Vote 17-0.

HB 1485-FN, establishing a fuel testing program to determine the accuracy of octane rates, creating a licensing procedure for persons engaged in the transfer or sale of motor fuels, and establishing fees and penalties for violations. **REFER FOR INTERIM STUDY**

Rep. Jeb E. Bradley for Environment and Agriculture: The sponsor agreed to allow this bill to go to Interim Study where the issues raised by this bill can be fully looked into. Vote 15-0.

HB 1101, relative to the collection of protested checks by the department of safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald O. Gosselin for Executive Departments and Administration: This bill will give the Commissioner of Safety administrative procedures in the collection of protested checks regarding drivers licences, vehicle registration, title or fees by recalling or not issuing certain documents. Vote 15-0.

Amendment (4738B)

Amend the bill by replacing section 1 with the following:

1 Rulemaking Authority by Commissioner of Safety; Protested Checks. Amend RSA 21-P:14, IV by inserting after subparagraph (r) the following new subparagraph:

(s) Establishment of administrative procedures to aid in the collection of protested checks relating to drivers' licenses, vehicle registrations, titles, permits or fees, including provisions for suspension of license, registration, title, or permit.

AMENDED ANALYSIS

This bill authorizes the commissioner of safety to adopt rules relative to administrative procedures for the collection of protested checks relating to drivers' licenses, vehicle registrations, titles, permits, or fees.

This bill is a request of the department of safety.

HB 1190, authorizing the state prison to notify the victim of a sexual assault that the perpetrator tested positive for the HIV virus. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: The bill allows the state to inform a sexual assault victim of the perpetrator's HIV test results. It also provides that the information be channelled through the victim/witness advocate. Vote 14-0.

Amendment (4915B)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the state to notify the victim of a sexual assault
of the perpetrator's test results for HIV virus.

Amend the bill by replacing all after the enacting clause with the following:

1 HIV Testing; Notification of Victim. Amend RSA 632-A:10-b, I and II to read as follows:

I. The state shall[, at the request of a victim of any offense under this chapter, except violations of RSA 632-A:10 or RSA 632-A:19,] administer to any person convicted [for such offense] *of any offense under this chapter, except violations of RSA 632-A:10 or RSA 632-A:19*, a test to detect in such person the presence of the etiologic agent for acquired immune deficiency syndrome.

I-a. The results of such test shall be disclosed to the person convicted and to the office of victim/witness assistance. The office of victim/witness assistance is authorized to disclose the test results to the county attorney victim/witness advocates and to the victim. The victim may be notified whether or not the victim has requested notification.

II. Notwithstanding RSA 141-F:7 and RSA 141-F:8, the state shall disclose results of a test administered pursuant to paragraph I and RSA 141-F:5, IV, to any person convicted, *to the office of victim/witness assistance and may disclose the results to* the victim.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the state to notify the victim of a sexual assault of the perpetrator's test results for the HIV virus.

This bill also requires the state to disclose results of such a test to the office of victim/witness assistance and the county attorney's victim/witness advocate.

This bill is a request of the department of justice.

HB 1113, requiring that any claim filed under RSA 541-B be brought solely against agencies and not against officials or employees of agencies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward M. Gordon for Judiciary: This bill avoids unnecessary litigation. When the State is determined to be responsible for the acts of an employee or agent, there is no need to bring an action against both the individual and the State. Therefore, the individual will be dismissed from such a suit. Vote 14-0.

Amendment (4693B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to claims filed under RSA 541-B against both the
state and an agent of the state.

Amend RSA 541-B:9-a as inserted by section 1 of the bill by replacing it with the following:

541-B:9-a Claims Filed Against the State and Its Agent. When a claim filed pursuant to this chapter is against both the state and an agent, official or employee of the state, the court shall determine whether the state is responsible for the actions of the agent, employee or official. If the court determines that the state is responsible for the actions of the agent, employee or official; the agent, employee or official shall be dismissed as a defendant and the plaintiff shall proceed solely against the state.

AMENDED ANALYSIS

This bill allows an agent of the state to be dismissed as a defendant in a claim brought against both the state and an agent of the state under RSA 541-B, if the court determines that the state is responsible for the actions of the agent.

HB 1256, making changes in probate court procedures regarding estate administration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward M. Gordon for Judiciary: This bill allows the probate court to accept alternative forms of security. This could save individuals the expense of buying a bond when such a bond may be unnecessary. The probate court retains the authority to impose a bond when required. Vote 14-0.

Amendment (4691B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing probate judges to accept other forms of securities in lieu of bonds from administrators of estates.

Amend the bill by replacing all after section 3 with the following:

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill allows probate judges to accept other forms of securities in lieu of bonds from administrators of estates.

HB 1297-FN, relative to adding statements of original intent to bills and resolutions. **IN-EXPEDIENT TO LEGISLATE**

Rep. Miriam D. Dunn for Legislative Administration: Printing a statement of original intent, not only on the bill as introduced but throughout the bill's legislative process, was voted down by the committee. The sponsor may agree, or disagree with later amendments, but the final result is the intent of the entire Legislature. Other methods, e.g. Committee Report, Floor Debate, are available to the sponsor to state intent. Cost is also a factor. The FN calls for state expenditures of \$15,050 in FY '95 and \$9,837 in FY '96. Vote 12-0.

HB 1120-L, making procedural and housekeeping changes regarding the board of tax and land appeals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert M. Fesh for Municipal and County Government: This bill was requested by the Board of Tax and Land Appeals. It authorizes the board to establish a small claims procedure as an alternative to full hearings and establishes a time period for filing an appeal by a town of its equalized valuation. The amendment makes the timeline for filing abatement appeals the same for both the Superior Court and the BTLA, and changes the effective date to 60 days after passage. Vote 15-0.

Amendment (4840B)

Amend the bill by replacing all after section 3 with the following:

4 Time Period for Filing Abatement Appeals; Board. Amend RSA 76:16-a to read as follows:

I. After the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$65 filing fee, may[, within 8 months after notice of such tax, and not afterwards, unless the municipality shall have an additional 2 months to respond to the appeal as provided in RSA 76:16, II, apply in writing to the board of tax and land appeals which.] *apply in writing to the board of tax and land appeals. The appeal shall be filed within 8 months after notice of the tax, and not afterwards, unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed within 10 months after notice of the tax. The board, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. "Notice of [such] the tax"*

means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district. The person aggrieved shall state in its appeal to the board either the date of the municipality's decision on the RSA 76:16 application, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16.

5 New Paragraph; Small Claims Procedure for Property Tax Appeals. Amend RSA 76:16-a by inserting after paragraph VI the following new paragraph:

VII.(a) The board may establish, by rules adopted under RSA 541-A, a small claims procedure to hear property tax appeals under this section as an alternative to full hearings. The rules may modify the procedural, hearing, and decision requirements of RSA 71-B, RSA 541-A, and paragraphs I-VI of this section.

(b) After filing the appeal pursuant to RSA 76:16-a, the taxpayer shall have the option of electing the small claims procedure. If the taxpayer elects the small claims procedure, the appeal shall be heard as a small claim unless the municipality, within 30 days of the board's notice of the taxpayer's election, requests a full hearing.

(c) The quorum for small claims hearings, decisions, and rehearing orders shall be one board member.

(d) The board retains the authority to require small claims to be heard by full hearing.

6 Time Period for Filing Abatement Appeals; Superior Court. Amend RSA 76:17 to read as follows:

76:17 By Court. [If] *After* the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of RSA 74, may, in lieu of appealing pursuant to RSA 76:16-a, [within 8 months after notice of the tax] apply by petition to the superior court in the county, which shall make such order thereon as justice requires. *The appeal shall be filed within 8 months after "notice of the tax," and not afterwards, unless the municipality has an additional 2 months to respond to the appeal as provided in RSA 76:16, II, in which case the appeal shall be filed within 10 months after notice of the tax. "Notice of the tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.*

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

(1) Authorizes the board of tax and land appeals to establish a small claims procedure as an alternative to full hearings for property tax appeals.

(2) Establishes a time period for the filing of an appeal by a town of its equalized valuation as determined by the commissioner of revenue administration.

(3) Allows members of the board of tax and land appeals to have employment other than their employment by the board if such employment is not in conflict with their duties as members of the board.

(4) Clarifies the wording of a statute regarding responses to appeals of reassessments by large municipalities.

(5) Extends the time period for filing an abatement appeal for certain municipalities.

This bill was requested by the board of tax and land appeals.

HB 1442-FN-A, relative to a real estate transfer questionnaire and making an appropriation therefor. **ought TO PASS WITH AMENDMENT**

Rep. Gabriel J. Daneault for Municipal and County Government: This bill is the result of a study committee which held many meetings. The Department of Revenue Administration was in favor and also the NH Assessors Association and the Bar Association. This bill would make it easier for DRA to establish equalized value for all locally assessed properties. Nobody testified against this bill. Vote 17-0.

Amendment (4593B)

Amend the introductory paragraph of RSA 78-B:10-a, I as inserted by section 3 of the bill by replacing it with the following:

I. In order to properly equalize the value of property under RSA 21-J:3, XIII, a real estate transfer questionnaire shall be filed with the department of revenue administration for each transfer of real estate or interest in real estate. Each form may include the following information:

Amend RSA 78-B:10-a, I(n) and II as inserted by section 3 of the bill by replacing them with the following:

(n) The buyer's dated signature certifying that the information indicated on the form is true.

(o) Such other information as the commissioner of revenue administration may deem necessary.

II. The real estate transfer questionnaire required by this section shall be filed with the department of revenue administration by the purchaser, grantee, assignee, or transferee, no later than 30 days from the recording of the deed at the register of deeds or transfer of real estate, whichever is later. Persons required to file the real estate transfer questionnaire who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

Referred to Appropriations.

HB 1565-FN, adding an exemption from inspections for certain boilers. REFER FOR INTERIM STUDY

Rep. Richard Soucy for Public Protection and Veterans Affairs: House Bill 1565-FN exempts certain hot water boilers in buildings of less than 30,000 square feet. The Department of Labor indicated the cost to the State would be in excess of \$180,000 per year. Testimony in favor of this bill raised sufficient interest to suggest a study of the situation. Vote 12-0.

HB 1314-FN-A-L, to abolish the collection of tolls along state highways and to increase the gasoline tax. INEXPEDIENT TO LEGISLATE

Rep. Fredrik Peyron for Public Works: At this time we are not prepared to do away with road tolls. The toll question will, furthermore, be studied in depth by the Public Works Committee. Vote 18-0.

HB 1491-FN, relative to signage and fees charged for installation, replacement and removal of signs. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler for Public Works: After meetings with the sponsor of this bill and the representative of the NH Restaurant and Lodging Association, it was decided to withdraw support for this bill at the present time, and let the recently adopted Department of Transportation rules concerning signage take effect. The Committee has agreed to work with the DOT and Federal Highway Administration to seek a waiver regarding signage for natural attractions. Vote 17-0.

HB 1501-FN-A, requiring the department of transportation to repair the road from New Hampshire route 10 to Bedell state park and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Stephanie Eaton for Public Works: This bill requires the Department of Transportation to repair the road from NH Route 10 to Bedell State Park and makes an appropriation therefor. The Department supports this bill. The Committee feels the state should probably be involved with the construction, due to a commitment made by the Department of Resources and Economic Development to do so. The Committee feels strongly the area needs a boat launch, which would provide the opportunity of entry and egress for anyone on the New Hampshire side of the Connecticut River. The Committee feels that it may make sense for the Fish and Game Department to take ownership of the entire parcel and use federal funds to construct the boat launch and improve the access road. The Committee feels it needs additional time to explore the whole situation and unanimously supported interim study. Vote 19-0.

HB 1529-FN, relative to the apportionment, priority of and limitations on bridge betterment funds. OUGHT TO PASS

Rep. Terence R. Pfaff for Public Works: This bill changes the method of apportionment of highway and bridge betterment funds from road mileage and population in a district to road

mileage and number of bridges in a district. It further allows the use of recovered insurance settlements by municipalities to offset the matches necessary to receive bridge aid. This bill also modifies the method by which municipalities receive priority for bridge funds. Vote 19-0.

HB 1531-FN, imposing a surcharge on fines and default payments which are overdue to the courts. **INEXPEDIENT TO LEGISLATE**

Rep. Edwin O. Smith for Public Works: The Committee felt that a one percent fee would not be a serious deterrent to people not paying fines. It was felt that the best way to put teeth into collection of fines was through revocation of driving privileges. The Department of Safety is working in that direction. Recently better cooperation has been established between the states with reference to driving privileges. Vote 15-0.

HB 1544, replacing the capital budget with separate capital expenditure bills. **INEXPEDIENT TO LEGISLATE**

Rep. Stephanie Eaton for Public Works: The main problem trying to be addressed in this bill seems to relate to an unhappiness with the Capital Budget process, especially as it relates to the final Committee of Conference vote when the House must vote yea or nay, with no amendments. The Capital Budget is a bill, treated the same as any other bill in the legislative process, and subject to the same rules. Every member or department has at least five opportunities to amend the Capital Budget before it reaches the Committee of Conference. The downside of this bill is that instead of one Conference report we could end up with 20 to 40 or more Conference reports. Vote 20-0.

HB 1321-FN, establishing a dining room bar liquor license and license fee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Regulated Revenues: HB 1321-FN - creates parity between full service restaurants and restaurant cocktail lounge licenses on the dining room sales of alcoholic beverages. Vote 19-0.

Amendment (4908B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to liquor licenses for full service restaurants.

Amend the bill by replacing all after the enacting clause with the following:

1 Full Service Restaurants and Hotel Full Service Restaurants. Amend RSA 178:19, II, II(a) and (b) to read as follows:

II. The commission may authorize establishments, as they are defined in RSA 175:1, having full service restaurants to sell beverages *and liquor* at such time as food is available [and liquor with meals].

(a)(1) Licenses for Full Service Restaurants. The commission may issue a license to any full service restaurant. Such license shall entitle the licensee to sell beverages and liquor[, to be consumed with meals] at tables in the approved dining rooms of the restaurant[. Full service restaurants holding cocktail lounge licenses may serve liquor in the dining room] *with or* without meals when the restaurant kitchen is in operation and meals are being *actively promoted and* served in that dining room. The dining room shall not, however, be used as a substitute for lounge operations. Licenses shall be granted only to restaurants approved by the commission and which show the commission on forms, filed annually between January 15 and February 15, for the previous calendar year, that at least 50 percent of the gross sales of any such licensee is in food. Restaurants with annual food sales of at least \$75,000 shall be exempt from the 50 percent requirement. The commission shall at least annually review each license, and application for renewal, on the conditions stated in this paragraph.

(2) The dining room shall be open for business at least 5 days a week for evening meals, unless the commission has granted an exemption.

(3) Private groups contracting for function rooms may *also* be served beverages and liquor without food, provided the public dining room remains in operation.

(4) Notwithstanding the fact that the towns of Newington, New Hampton, and Landaff have voted or vote in any referendum to prohibit the sale of liquor and beverages, a license to sell beverages by the glass or other suitable container or by the bottle with cap

removed; wines or fortified wines by the bottle with cap removed; wines or fortified wines by the bottle, if the cork is drawn, or liquor by the glass or the suitable container to customers with meals at tables only, may be issued to any full service restaurant in the towns of Newington, New Hampton, and Landaff, but only if the restaurant is open and does business at least 10 months of every calendar year and if said restaurant shall meet all other requirements of this section.

(b)(1) Hotel Full Service Restaurant. The commission may issue a license to any hotel in any town. Notwithstanding the fact that the town where the hotel is located has voted not to approve the sale of beverages in said town, the license issued to a hotel shall entitle the licensee to:

(A) Sell beverages and liquor by the glass or other suitable container and wine by the bottle, if the cork is drawn, or by other suitable container to guests [with meals] in the dining room or in the rooms of guests.

(B) Sell beverages, liquor, and wine by the bottle which shall be delivered to the rooms of guests, provided that such sales are not made below the cost of such beverages and liquor.

(C) Include a specified quantity of complimentary beverages and liquor as part of a contract for the hosting of a convention or offer a specified quantity of complimentary beverages or liquor in soliciting such conventions. As used in this paragraph "convention" means an assembly of persons participating in a business, political, professional or other organizational gathering. Notwithstanding RSA 175:4 or any rules adopted under that section, hotels may advertise and offer package deals to resident guests, which include complimentary drinks, provided such offers shall be limited to persons of legal drinking age.

(D) Sell beverages and liquor in bottles or containers not exceeding one liter capacity, which shall be stored under lock and key in a cabinet or miniature refrigerated bar in hotel rooms and which shall be available only to hotel room guests who are of legal drinking age.

(2) The dining room shall be open for business at least 5 days a week for evening meals, unless the commission has granted an exception.

(3) Hotels [holding lounge licenses] may serve beverages and liquor in the dining room without meals provided the hotel kitchen is in operation and meals are being *actively promoted and* served in the dining room. The dining room may not be used as a substitute for lounge operations.

2 Food Sales Requirement Reduced for Full Service Restaurants. Amend RSA 178:20, V(q) to read as follows:

(q) Full Service Restaurants. The commission may issue a cocktail lounge license to any full service restaurant holding a full service restaurant license under RSA 178:19, II(a)(1), to serve liquor and beverages in any room of the restaurant designated by the commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the cocktail lounge may operate 3 hours before the dining room opens for the evening meals. Liquor and beverages served in such room need not be consumed with meals. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as shall demonstrate to the commission, in the manner prescribed by the commission, that at least 50 percent of the combined restaurant and lounge and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least [\$100,000] **\$75,000** shall be exempt from the 50 percent requirement, and the commission shall prorate the annual food sale requirements for seasonal restaurants. The commission may grant, regulate, suspend or revoke a cocktail lounge license without affecting any other license granted to such restaurant.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill permits full service restaurants and full service hotel restaurants licensed by the liquor commission to serve liquor as well as beverages and wine when the dining room is open and meals are being served, whether or not a meal is ordered.

The bill also reduces the food sales requirement for full service restaurants.

HB 1103, redefining the term "camp" for boys and girls. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas J. Kirby for Resources, Recreation and Development: The sole effect of HB 1103 is to require recreational camps for boys and girls, operating for ten (10) or more instead of thirty (30) or more days in any year, to be licensed by and satisfy the health and safety standards adopted in rulemaking by the Division of Water Supply and Pollution Control to protect these young people. This is the only legislative outcome of a study conducted in 1993 by the division in conjunction with representatives of camps and camping organizations to update the states safety regulations. Vote 15-0.

Amendment (4758B)

Amend the bill by replacing section 1 with the following:

1 Camp Defined. Amend RSA 485-A:23 to read as follows:

485-A:23 Recreation Camps. As used in this subdivision the word "camp" means any place set apart for recreational purposes for boys and girls. It shall not be construed as applying to private camps owned or leased for individual or family use, or to any camp operated for a period of less than [30] 10 days in a year.

AMENDED ANALYSIS

This bill defines the term "camp" as that term is used for recreational purposes for boys and girls, to include those camps which are in operation for 10 days or more.

HB 1151, prohibiting the use of certain motorized craft on the ice or open waters of Spoonwood Pond in the towns of Nelson and Hancock. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah F. Merritt for Resources, Recreation and Development: Spoonwood Pond provides a unique aquatic habitat. It is currently open to the public through privately owned access points. The Committee felt the request of the sponsors to limit the use of motorcraft to those only with electric motors was appropriate. Vote 14-1.

Amendment (4746B)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting the use of certain motorized craft on
Spoonwood Pond in the town of Nelson.

Amend the bill by replacing section 1 with the following:

1 New Section; Motorized Craft on Spoonwood Pond Prohibited. Amend RSA 270 by inserting after section 126 the following new section:

270:127 Spoonwood Pond. No person shall operate any boat equipped with any motor, except an electric motor with 50 pounds or less of thrust and a power source of 24 volts or less, on Spoonwood Pond in the town of Nelson. Any person who violates the provisions of this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill limits the use of boats on Spoonwood Pond in the town of Nelson to boats equipped with an electric motor with 50 pounds or less of thrust and a power source of 24 volts or less.

HB 1162-FN, authorizing the department of environmental services, division of water resources, to acquire certain dams. **OUGHT TO PASS WITH AMENDMENT**

Rep. William H. Nehring for Resources, Recreation and Development: The Department of Environmental Services, Division of Water Resources has studied the three dams in question.

The Department has agreed the repairs will be accomplished according to their priorities over a period of three years. The cost will be covered by the Dam Maintenance Fund. Making the repairs to the dams will benefit the community of Milton Mills; most importantly, it will provide water for fire protection. Vote 14-0.

Amendment (4782B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 1204-FN, establishing a procedure for the acquisition, condemnation, or removal of dams to be followed by the department of environmental services, division of water resources. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: HB 1204 is unanimously opposed by the RR&D Committee because it greatly alters existing public policy and increases the administrative burden of DES. Furthermore, the fundamental concept of HB 1204 is the authorization for condemnation and removal of dams. Existing law (RSA 482:44 et. seq. and RSA 482:58 et. seq.) provides for the State, or a municipality, to acquire dams in the public interest. The provisions for the acquisition of dams in disrepair are comprehensive and have worked well for many years. In fact, NH is frequently cited as the leader in dam legislation in this country. This bill eliminates references to the value of dams and the regulation of flow in rivers and streams for public safety. Existing statutes contain a comprehensive public policy with references supporting both the active management of our water resources and the protection of free-flowing streams. The Public Water Rights Study Committee addressed many of these subjects during the past two sessions and concluded that the existing language could not be improved. Vote 14-0.

HB 1250, requiring that any person who is authorized to treat water at a water treatment plant be certified as an operator. **INEXPEDIENT TO LEGISLATE**

Rep. Martin Feuerstein for Resources, Recreation and Development: The Committee feels that the objectives of HB 1250 are being met already. Operators are certified to ensure they possess the technical knowledge and capability to operate the water system that employs them. In addition to the initial certification process, an individual is required to obtain continuing education credits to ensure that they stay current with the latest technologies pertaining to the drinking water industry. With this in mind, the Committee believes that there is no need to amend RSA 332-E:3,III. Vote 14-0.

HB 1261-FN, requiring that no public water access areas shall be constructed without the preliminary approval of the public water access advisory board. **REFER FOR INTERIM STUDY**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: HB 1261-FN represents an initial attempt to control what appears to be excess expenditure on and over-design of public access to our rivers and great ponds. The Committee believes that the same amount of money could build twice as many access points if the agency responsible for the design would use a common sense approach and stop saying "Uncle made us do it." Because the RR&D Committee refuses to accept the premise that excessive state expenditures are necessary to ensure the availability of federal matching funds, we want to send HB 1261-FN to interim study so that more light can be shed upon this apparent contradiction. Vote 15-0.

HB 1362, establishing a committee to study the feasibility of allowing electric-powered craft on lakes and ponds in the state except for those closed because they are used as public water supplies. **REFER FOR INTERIM STUDY**

Rep. Michael D. Whalley for Resources, Recreation and Development: During testimony on this bill it was brought to light that many lakes were closed to "motors", meaning petroleum-powered motors before electric trolling motors were available. The Committee felt that interim study, during the summer, would allow enough time to consider those lakes individually, visit where needed, and allow public input in order to make legislative recommendations in the 1995 session. Vote 16-0.

HB 1413, relative to the findings of the public water rights study committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet M. Conroy for Resources, Recreation and Development: The purpose of this bill is to provide a "paper trail" for the Public Water Rights Study Committee report. HB 1413 notes the report was completed and is filed at the State Library. Vote 16-0.

Amendment (4864B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the report of the public water rights study committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Report of Public Water Rights Study committee. The public water rights study committee was established under 1990, 148, as amended by 1991, 356 and 1992, 28. As a result of the public water rights study committee's meetings, the public water rights study committee produced a report of its findings which the general court has filed in the state library.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill recognizes that the report of the public water rights study committee established under 1990, 148 as amended by 1991, 356 and 1992, 28 was filed at the state library.

HB 1444-FN, authorizing the use of on-site recycling and greywater waste treatment systems as an alternative waste disposal system and authorizing inspection fees. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah F. Merritt for Resources, Recreation and Development: The Department of Environmental Services is currently drafting administrative rules regarding emerging technologies in the wastewater treatment field as a result of SB 186 which was passed last session. The sponsor felt, in the light of this, that the bill was no longer necessary. The Committee concurred. Vote 14-0.

HCR 24, designating the month of June as "Porcelain Art Month." **INEXPEDIENT TO LEGISLATE**

Rep. Ann C. Holl for Resources, Recreation and Development: This bill was found to be unnecessary as it was reported that the Governor will be signing a proclamation designating June as Porcelain Art Month. Vote 15-0.

HB 1211, allowing the adoption of bylaws relative to the maintenance and operation of municipal water departments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen McRae for Science, Technology and Energy: HB 1211, as amended, includes in statute sewer departments and municipal water departments. The bill allows the governing bodies of municipal water systems to pass ordinances and by-laws. The bill also clarifies the authority of public water departments to hold and to expend capital reserve funds, and to levy fees and special assessments. Vote 8-0.

Amendment (4607B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the authority of municipal water departments and to fee charged by such departments.

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Capital Reserve Funds. Amend RSA 35:7 to read as follows:

35:7 Water Departments. Any water works *or sewer* department of a city or town, organized by general law or special act of the legislature and financed principally by water *or sewer* rentals, may, by unanimous vote of the [members of its water board or commissioners] *body* charged with the administration thereof, *whether the local governing body, water board, or a board of water or sewer commissioners*, establish a capital reserve fund for said department for the purposes as provided in RSA 35:1. Such reserve shall be established only from surplus from water *or sewer* rentals and no part thereof shall be made from appropriations by said city or town.

2 Expenditures From Certain Capital Reserve Funds. Amend RSA 35:15 to read as follows:

35:15 Expenditures. Persons holding said capital reserve funds in trust, as provided in this chapter, shall hold the same until such time as the town, district or county shall have voted to withdraw funds from such capital reserve fund or shall have named agents of the town, district or county to carry out the objects designated by the town, district or county, in the manner prescribed by RSA 35:3. Expenditures from any fund established for the acquisition of land pursuant to RSA 35:1 shall be made only as authorized by a majority vote of the legal voters present and voting at an annual or special meeting, in the case of a town, school district or village district, or by majority vote of the county delegation, in the case of a county. In the case of a water works *or sewer* department, as provided in RSA 35:7, the *governing body*, water board [or its], *or the water or sewer* commissioners *if any*, shall determine when expenditures from said reserve shall be made. In all cases, expenditures from a capital reserve fund shall be made only for or in connection with the purposes for which said fund was established or as amended as provided in RSA 35:16.

3 New Sections; Water Department Powers. Amend RSA 38 by inserting after section 15 the following new sections:

38:15-a Bylaws and Ordinances.

I. In municipalities with public water systems the governing body, or the board of water commissioners if any, may adopt such ordinances and bylaws relating to the system or structures as required for proper maintenance and operation.

II. Any person who violates any ordinance or bylaw adopted pursuant to paragraph I of this section shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

38:15-b Assessment for Water Supply. The governing body, or board of water commissioners if any, may assess upon the persons who are served by the water system, or whose lands receive special benefit from the water system, their just share of the expense of constructing and maintaining the system or paying any capital debt or interest incurred in constructing or maintaining the system.

38:15-c Water Rentals. For the defraying of the cost of construction, payment of the interest on any debt, incurred, management, maintenance, operation and repair of water systems, or construction, enlargement or improvement of such systems, the governing body, or the board of water commissioners if any, may establish a scale of rents to be called water rents, may prescribe the manner in which and the time at which such rents are to be paid and may change such scale from time to time as may be deemed advisable. The amount of such rents may be based upon the consumption of water on the premises connected to the water system, or the number of persons served on the premises, or upon some other equitable basis.

38:15-d Water Funds.

I. The funds received from the collection of water rentals shall be kept as a separate and distinct fund to be known as the water fund. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town or city tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such fund may be expended only for the purposes specified in RSA 38:15-c, or for the previous expansion or replacement of water lines or water systems.

II. Except when a capital reserve fund is established pursuant to paragraph III, all water funds shall be held in the custody of the municipal treasurer. Estimates of anticipated water rental revenues and anticipated expenditures from the water fund shall be submitted to the governing body as set forth in RSA 32:6 if applicable, and shall be included as part of the municipal budget submitted to the local legislative body for approval. If the municipality has a properly-established board of water commissioners, then notwithstanding RSA 41:29 or RSA 48:16, the treasurer shall pay out amounts from the water fund only upon order of the board of water commissioners. Expenditures shall be within amounts appropriated by the local legislative body.

III. At the option of the local governing body, or of the board of water commissioners if any, all or part of any surplus in the water fund may be placed in one or more capital reserve funds held in the custody of the trustees of trust funds pursuant to RSA 35:7. If such a reserve fund is created, then the governing body, or board of water commissioners if any, may

expend such funds pursuant to RSA 35:15 without prior approval or appropriation by the local legislative body, but all such expenditures shall be reported to the municipality pursuant to RSA 38:20. This section shall not be construed to prohibit the establishment of other capital reserve funds for any lawful purpose relating to municipal water systems.

4 Sewer Ordinances. Amend RSA 149-I:6, 1 to read as follows:

I. In municipalities where the sewage is pumped or treated, the mayor and aldermen may adopt such ordinances and bylaws relating to the system, pumping station, treatment plant or other appurtenant structure as are required for proper maintenance and operation. [Such ordinances and bylaws shall not be more stringent than applicable federal or state standards, regulations, or statutes.]

5 Sewer Funds; Custody and Spending Authority. RSA 149-I:10 is repealed and reenacted to read as follows:

149-I:10 Sewer Funds.

I. The funds received from the collection of sewer rentals shall be kept as a separate and distinct fund to be known as the sewer fund. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town or city tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such fund may be expended only for the purposes specified in RSA 149:8, or for the previous expansion or replacement of sewage lines or sewage treatment facilities.

II. Except when a capital reserve fund is established pursuant to paragraph III, all sewer funds shall be held in the custody of the municipal treasurer. Estimates of anticipated sewer rental revenues and anticipated expenditures from the sewer fund shall be submitted to the governing body as set forth in RSA 32:6 if applicable, and shall be included as part of the municipal budget submitted to the local legislative body for approval. If the municipality has a properly-established board of sewer commissioners, then notwithstanding RSA 41:29 or RSA 48:16, the treasurer shall pay out amounts from the sewer fund only upon order of the board of sewer commissioners. Expenditures shall be within amounts appropriated by the local legislative body.

III. At the option of the local governing body, or of the board of sewer commissioners if any, all or part of any surplus in the sewer fund may be placed in one or more capital reserve funds and placed in the custody of the trustees of trust funds pursuant to RSA 35:7. If such a reserve fund is created, then the governing body, or board of sewer commissioners if any, may expend such funds pursuant to RSA 35:15 without prior approval or appropriation by the local legislative body, but all such expenditures shall be reported to the municipality pursuant to RSA 149-I:25. This section shall not be construed to prohibit the establishment of other capital reserve funds for any lawful purpose relating to municipal water systems.

6 New Section; Reports. Amend RSA 149-I by inserting after section 24 the following new section:

149-I:25 Reports. In towns and village districts adopting this chapter, the selectmen or district commissioners, or board of sewer commissioners if any, shall annually, at the time other town or district officers report, make a report to the municipality of the condition of the plant financially and otherwise, showing the funds of the department, the expenses and income thereof, and all other material facts. This report shall be published in the annual report of the municipality.

7 Effect on Prior Law. This act shall not be construed to affect the legal validity of any act or financial transaction of any municipality or any water or sewer department which may have occurred prior to its effective date.

8 Applicability. Municipalities shall have until January 1, 1996 to conform to the provisions of this act governing custody and expenditure of water and sewer funds.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the governing bodies of municipal water systems to pass ordinances or bylaws relating to the maintenance and operation of the municipal water systems. Penalties are provided for violations of the ordinances or bylaws.

The bill allows the governing bodies to assess construction and repair expenses for the water systems to the users of the system.

The bill clarifies the authority of water departments to levy water rentals, special assessments and hookup fees.

The bill also clarifies the custody of an expenditure of special water department funds.

HB 1511-FN, allowing cooperative electric utilities to be exempted from regulation by the public utilities commission. **INEXPEDIENT TO LEGISLATE**

Rep. Richard L. Cogswell for Science, Technology and Energy: The sponsor of the bill recommended de-regulation of the New Hampshire Electric Co-op. However, as the process and ramifications of de-regulation are very complex, the Co-op board and sponsor agreed to an in-depth study of the whole issue and will come back to the legislature with their recommendations. Vote 8-0.

HB 1463, modifying the definition of angling. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: Current Fish and Game Law allows the use of two fishing rods in a boat, and one from shore. HB 1463 allows the use of two rods for everyone. The amendment, the request of the Fish and Game Department, simply clarifies the definition of hooks. Vote 12-0.

Amendment (4723B)

Amend the bill by replacing section 1 with the following:

1 Angling; Definition Modified. Amend RSA 207:1, 1 to read as follows:

1. Angling: The taking of fish by line in hand, or rod in hand to which is attached a cast of artificial flies, or an artificial bait, or [one hook for bait] *hooks or other devices for the attachment of bait*. A person may have in use not more than [one] 2 such [line] *lines* at one time [except while fishing from a boat, canoe or other craft or through the ice, when 2 lines may be used]. Nothing in this title shall prohibit the use of a rod-holder in a boat.

AMENDED ANALYSIS

This bill modifies the definition of angling by permitting the use of 2 lines at one time and more than one hook on each line.

HB 1527, prohibiting the sale and use of lead fishing sinkers except to persons with commercial salt water fishing licenses. **REFER FOR INTERIM STUDY**

Rep. Henry W. Coulombe for Wildlife and Marine Resources: The Committee felt that pending a ruling from the EPA, this bill would require more study. Vote 11-0.

REGULAR CALENDAR

HB 442-FN, creating a new New Hampshire port authority and making an appropriation therefore. **REFER FOR INTERIM STUDY**

Rep. Charles L. Vaughn for Appropriations: In order to move forward with the merger of the Pease Development Authority and the New Hampshire Port Authority, in a timely manner, both Appropriations and Commerce committees agreed on the establishment of a joint interim study task force of members of both House committees which will examine and rectify differences that exist not only between the House committees but also between the Port and the PDA. The task force will report not later than 1 November 1994, with recommendations to complete the merger. Vote 17-0.

Adopted.

HB 1213-FN-A, appropriating funds to the state commission for human rights for the purpose of hiring temporary help. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Appropriations: The committee felt that the state should deal with human rights appropriately or say that it does not want to have a Human Rights Commission. This bill appropriates funds to hire temporary personnel to clear the commission's backlog. Vote 17-1.

Amendment (4787B)

Amend the title of the bill by replacing it with the following:

AN ACT

appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made.

Amend the bill by replacing all after the enacting clause with the following:

1 Hiring Authorization. Subject to the state personnel rules, and within the limits of the appropriation in section 2 of this act, the state commission for human rights, established in RSA 354-A, is authorized to hire temporary personnel of which at least 3 persons shall be investigators, labor grade 20, to help clear the commission's backlog of cases.

2 Appropriation. The sum of \$130,000 is hereby appropriated to the state commission for human rights for the fiscal year ending June 30, 1995, for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Time-Frame for Disposition of Complaints. Amend RSA 354-A:21, IV to read as follows:

IV. In administering this section, the commission shall be exempt from the provisions of RSA 541-A:14, II, but shall [act on all matters before it under this section in as expeditious a manner as the law permits] *close each case or commence adjudicative proceedings on such case under RSA 354-A:22 within 24 months after the filing date of the complaint.*

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 1996.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill appropriates funds to the state commission for human rights to hire temporary personnel of which at least 3 persons shall be investigators, labor grade 20, to help clear the commission's backlog of cases.

The bill also requires the commission to close cases or commence adjudicatory proceedings within 24 months after the filing of complaints.

Adopted.

Report adopted and ordered to third reading.

HB 1358-FN, relative to a state contribution for meeting Clean Air Act provisions. REFER FOR INTERIM STUDY

Rep. Charles L. Vaughn for Appropriations: This bill, as important as it is, is premature. The Environmental Protection Agency (EPA) has not yet promulgated the rules of the Clean Air Act that affect New Hampshire. In the meantime, this bill best be referred to interim study. Vote 17-0.

Adopted.

HB 1275, relative to filing fees for certain charitable corporations. INEXPEDIENT TO LEGISLATE

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: Although the bill, as written, did not solve the problem that the sponsor wanted to address, the committee feels the \$50 per year fee is fair and necessary to offset the cost to review nonprofits' financial statements. Vote 14-0.

Adopted.

HB 1392, making a second or subsequent obscenity violation a class B felony. OUGHT TO PASS WITH AMENDMENT

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: Although there have been few first-offense convictions for obscenity, the committee was convinced that the problem is real and that a stiff second-offense penalty will encourage prosecution and provide a deterrent. The amendment repeals wording that was struck down by the courts years ago but still appears in the RSA, and so helps to make clear that we are not addressing constitutionally protected acts. Vote 13-2.

Amendment (4714B)

Amend the title of the bill by replacing it with the following:

AN ACT

making a second or subsequent obscenity violation a class B felony
and modifying a definition of sexual conduct.

Amend the bill by inserting before section 1 the following and renumbering the original sections 1 and 2 to read as 2 and 3:

I Definition of Sexual Conduct Modified. Amend RSA 650:1, VI to read as follows:

VI. "Sexual conduct" means human masturbation, sexual intercourse-actual or simulated, normal or perverted, [or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female,] whether alone or between members of the same or opposite sex or between humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

AMENDED ANALYSIS

This bill makes a second or subsequent obscenity violation a class B felony and modifies a definition of sexual conduct.

Adopted.

Rep. Donna Sytek yielded to questions.

Report adopted and ordered to third reading.

HB 1132, relative to the failure to renominate or reelect teachers. **INEXPEDIENT TO LEGISLATE**

Rep. Nils H. Larson, Jr. for Education: Teachers now have ample provision to provide them reasons for Non-Renomination or Non-Reelection. Schools have an evaluation process under both contract and policy. It is not necessary to expand and add to laws for individual situations. Vote 12-3.

Adopted.

HB 1146-FN-L, relative to climate control upgrades for year-round schools. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles B. Yeaton for Education: With much attention being given to innovative and cost-saving measures relative to education, year-round school programs are receiving considerable attention. This bill encourages this option by providing grants to districts so that they may adapt building to make year-round education a more viable alternative. Vote 13-2.

Amendment (4896B)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Year-Round Schools; Climate Control. Amend RSA 198:15-b by inserting after paragraph V the following new paragraph:

VI. Notwithstanding the provisions of paragraphs I and II, the state board of education is authorized to approve a grant to any school district duly organized, any city maintaining a school department within its corporate organization, or any cooperative school district, in the amount of 60 percent of the cost of providing such climate control system as may be necessary to implement the year-round school concept as determined by the state board of education, provided that selected schools in such district, city, or cooperative district operate as year-round schools. If such schools fail to continue to operate as a year-round school at any time up to 10 years from the date of the grant approval by the state board of education, the total grant made under this section shall be repaid to the state board in full. For the purpose of this section, "year-round school" means a school in which the school's attending student population is spread out over the calendar year using a plan which fulfills the state mandate of 180 school days.

Adopted.

Reps. Wright and Arthur Smith spoke against.

Rep. Skinner spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 236 - NAYS 103

YEAS 236

BELKNAP

Campbell, Richard, Jr.
Salatiello, Thomas

Hauck, William
Smith, Linda

Hawkins, Robert
Ziegler, Alice

Rice, Thomas, Jr.

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.
Foster, Robert	Lyman, L. Randy		

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Cole, Stacey
DePecol, Benjamin	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Metzger, Katherine	Pearson, Gertrude	Perry, David	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin			

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Guay, Lawrence
Harwell, Tyler	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Brown, Patricia	Copenhaver, Marion	Driscoll, William
Gordon, Edward	Guest, Robert	Ham, Bonnie	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	McIlwaine, Deborah	Nordgren, Sharon
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen
Ward, Kathleen			

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor	Andrews, Frederick
Arnold, Barbara	Bagley, Amy	Bergeron, Lucien	Bergeron, Normand
Buckley, Raymond	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Clemons, Jane
Cote, David	Cowenhoven, Garret	Desrosiers, William	Drabinowicz, A. Theresa
Drolet, Paul	Durham, Susan	Dykstra, Leona	Ferguson, Charles
Fields, Dennis	Foster, Linda	Gage, Ruth	Gagnon, Eugene
Gervais, Glen	Greenberg, Gary	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Hart, Nick	Healy, Daniel	Holden, Carol
Holt, David	Holt, Mark	Jasper, Shawn	Jean, Claudette
Johnson, Lionel	Kelley, Robert	Kirby, Thomas	Lachut, Ervin
Lefebvre, Roland	Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee
Martin, Mary Ellen	McCarty, Winston	McRae, Karen	Mercer, Robert
Messier, Irene	Mittelman, David	Morello, Michael	Murphy, Robert
Nardi, Theodora	O'Rourke, Joanne	Packard, Bonnie	Pepino, Leo
Perkins, Paul	Peters, Stanley	Philbrook, Paula	Plourde, Alphonse
Record, Alice	Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.
Soucy, Donna	Soucy, Richard	Stewart, Thomas	Sullens, Joan
Toomey, Kathryn	Wheeler, Robert	White, John	

MERRIMACK

Braiterman, Thea	Carter, Susan	Chandler, Earle	Chandler, John
Daneault, Gabriel	Dunn, Miriam	Feuerstein, Martin	Fillion, Paul
French, Barbara	Hall, Douglas	Holmes, Mary	Johnson, C. William
Kidder, William	Lockwood, Robert	Moore, Carol	Newland, Matthew
Nichols, Avis	Owen, Derek	Pfaff, Terence	Rogers, Katherine
Shaw, Randall	Trombly, Rick	Wallner, Mary Jane	Ward, Jay
Yeaton, Charles			

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Bell, Juanita	Boucher, William
Campbell, Marilyn	Case, Margaret	Caswell, Albert, Jr.	Chester, Sherman
Clark, Martha	Clark, Vivian	Coes, Betsy	Conroy, Janet

Cote, Patricia
Gage, Beverly
Johnson, Robert
Klemm, Arthur, Jr.
Moore, Benjamin
Rosencrantz, James
Stone, Joseph
Woods, Deborah

Crossman, Harold, Jr.
Gorman, Donald
Kane, Cecelia
Lovejoy, Marian
O'Keefe, Patricia
Senter, Marilyn
Syracusa, Anthony
Yennaco, Carol

Dowd, Sandra
Groves, Bonnie
Katsakiores, Phyllis
McGovern, Cynthia
Richards, David
Skinner, Patricia
Sytek, Donna

Dowling, Patricia
Hurst, Sharleene
Klemarczyk, Thaddeus
McKinney, Betsy
Ritzo, Eugene
St. Martin, Tommy
Vaughn, Charles

STRAFFORD

Callaghan, Frank
Hambrick, Patricia
Lundborn, Raymond
Musler, George
Rogers, Rose Marie
Torr, Ann
Wheeler, Katherine

Chagnon, Ronald
Kincaid, William
McGrath, J. Gregory
Nehring, William
Snyder, Clair
Torr, Franklin

Dunlap, Patricia
Knowles, William
Merrill, Amanda
Pageotte, Donald
Spear, Barbara
Torr, Ralph

Gilmore, Gary
Loder, Suzanne
Merritt, Deborah
Pelletier, Arthur
Sullivan, Henry
Wall, Janet

SULLIVAN

Allison, David
Flint, Gordon
Rodeschin, Beverly

Behrens, Thomas
Lindblade, Eric
Schotanus, Merle

Burling, Peter
Palmer, Lorraine
Stamatakis, Carol

Cloutier, John
Peyron, Fredrik

NAYS 103

BELKNAP

Bartlett, Gordon
Johnson, Carl

Dewhirst, Glenn
Laflam, Robert

Golden, Paul
Rosen, Ralph

Holbrook, Robert
Turner, Robert

CARROLL

Allard, Nanci
Wiggin, Gordon

Cogswell, Richard

Mock, Henry

Saunders, Howard

CHESHIRE

Delano, Robert
McNamara, Wanda

Foster, Katherine
Young, David

Hunt, John

Kingsbury, H. Thayer

COOS

None

GRAFTON

Eaton, Stephanie

Rose, William

HILLSBOROUGH

Arnold, Thomas, Jr.
Crotty, Edward
Donovan, Francis
Gosselin, Gerald
Kurk, Neal
Milligan, Robert
Riley, Frances
Turgeon, Roland

Borsa, Andrew
Daniels, Gary
Dyer, Merton
Holley, Sylvia
L'Heureux, Robert
Moncrief, Keith
Rodgers, G. Philip
Upton, Barbara

Burke, M. Virginia
Dodge, Emma
Fenton, James
Hunter, Bruce
Laughlin, J. Francis
Morrissette, Roland
Rothhaus, Finlay
Vanderlosk, Stanley

Chabot, Robert
Domaingue, Jacquelyn
Franks, Suzan
Kelley, Dana
Leclerc, Charles
Rheault, Lillian
Sallada, Roland
Wright, George

MERRIMACK

Barberia, Richard
Kennedy, Richard
Whalley, Michael

Buessing, Marjorie
Langer, Ray
Whittemore, James

Gilbreth, Robert
Mitchell, Vernon
Willis, Jack

Houlahan, Thomas
Regan, Maurice

ROCKINGHAM

Beaulieu, Jon	Blake, Daniel	Bove, Martin	Christie, Andrew, Jr.
Cote, Charles	DiPietro, Carmela	Dube, LeRoy	Fesh, Robert
Flanders, David	Flanders, John, Sr.	Hazelton, Robert	Hemenway, Thomas
Hutchinson, Karen	Katsakiores, George	Kruse, Fred	Lee, Rebecca
Malcolm, Kenneth	Noyes, Richard	Packard, Sherman	Pratt, Katharin
Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard	Rubin, George
Smith, Arthur	Stritch, C. Donald	Sytek, John	Warburton, Calvin
Welch, David	Weyler, Kenneth	Williamson, William	

STRAFFORD

Brown, George	Brown, Julie	Douglass, Clyde	Hemon, Roland
Hilliard, Dana	McKinley, Robert	Vincent, Francis	Wasson, Richard

SULLIVAN

None

and the Committee report was adopted.
Referred to Appropriations.

HB 1354, providing that one member of the state board of education shall be a currently certified and employed New Hampshire public school teacher. **OUGHT TO PASS WITH AMENDMENT**

Rep. William A. Riley for Education: The amendment removes from the bill both the prohibition (on the one hand) and the requirement (on the other) of a certified public school teacher serving on the State Board of Education. Vote 10-5.

Amendment (4847B)

Amend the title of the bill by replacing it with the following:

AN ACT

deleting the provision providing that members of the state
board of education shall not be technical educators
or professionally engaged in school work.

Amend the bill by replacing section 1 with the following:

1 Educator Prohibition Deleted. Amend RSA 21-N:10, I to read as follows:

I. There is hereby established the state board of education consisting of 7 members who shall serve without pay [and shall not be technical educators or professionally engaged in school work]. The members shall be paid for actual expenses incurred in the performance of their duties out of moneys appropriated for the department of education.

AMENDED ANALYSIS

This bill deletes the provision which provides that members of the state board of education shall not be technical educators or professionally engaged in school work.

Rep. William Riley yielded to questions.

Rep. Hutchinson spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee amendment.

YEAS 168 - NAYS 172**YEAS 168****BELKNAP**

Hauck, William	Rosen, Ralph	Salatiello, Thomas	Smith, Linda
Ziegra, Alice			

CARROLL

Bradley, Jeb

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Pearson, Gertrude
Royce, H. Charles

Burnham, Daniel
Lynch, Margaret
Richardson, Barbara
Russell, Ronald

DePecol, Benjamin
Manning, Joseph
Riley, William
Young, David

Foster, Katherine
Metzger, Katherine
Robertson, Timothy

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Harwell, Tyler
Merrill, Gerald

Hawkinson, Marie
Pratt, Leighton

GRAFTON

Bean, Pamela
Copenhaver, Marion
LaMott, Paul
Teschner, Douglass

Below, Clifton
Crory, Elizabeth
McIlwaine, Deborah

Brown, Alson
Guest, Robert
Nordgren, Sharon

Brown, Patricia
Ham, Bonnie
Scanlan, David

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Clemons, Jane
Durham, Susan
Gage, Ruth
Greenberg, Gary
Hart, Nick
Jean, Claudette
Lachut, Ervin
Lozeau, DonnaLee
Morrisette, Roland
Philbrook, Paula
Sargent, Maxwell
Sullens, Joan

Allen, W. Gordon
Bergeron, Normand
Cote, David
Fields, Dennis
Gagnon, Eugene
Haettenschwiller, Alphonse
Healy, Daniel
Johnson, Lionel
Laughlin, J. Francis
Martin, Mary Ellen
Murphy, Robert
Plourde, Alphonse
Soucy, Donna
Toomey, Kathryn

Amidon, Eleanor
Buckley, Raymond
Donovan, Francis
Foster, Linda
Gervais, Glen
Hall, Betty
Holden, Carol
Kirby, Thomas
Lefebvre, Roland
Messier, Irene
O'Rourke, Joanne
Record, Alice
Soucy, Richard
White, John

Arnold, Barbara
Cepaitis, Elizabeth
Drabinowicz, A. Theresa
Franks, Suzan
Gosselin, Gerald
Hanselman, Gregory
Jasper, Shawn
L'Heureux, Robert
Lessard, Rudy
Mittelman, David
Perkins, Paul
Reidy, Frank
Stewart, Thomas

MERRIMACK

Carter, Susan
French, Barbara
Moore, Carol
Rogers, Katherine
Ward, Jay

Daneault, Gabriel
Hall, Douglas
Newland, Matthew
Shaw, Randall
Yeaton, Charles

Dunn, Miriam
Johnson, C. William
Owen, Derek
Trombly, Rick

Feuerstein, Martin
Mitchell, Vernon
Regan, Maurice
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Clark, Martha
Crossman, Harold, Jr.
Kane, Cecelia
Senter, Merilyn
Stritch, C. Donald

Campbell, Marilyn
Clark, Vivian
DiPietro, Carmela
Lee, Rebecca
Splaine, James
Vaughn, Charles

Caswell, Albert, Jr.
Coes, Betsy
Drake, Herbert
McGovern, Cynthia
St. Martin, Tommy
Woods, Deborah

Christie, Andrew, Jr.
Cote, Patricia
Hurst, Sharleene
O'Keefe, Patricia
Stone, Joseph

STRAFFORD

Callaghan, Frank
Hemon, Roland
Lundborn, Raymond
Nehring, William
Spear, Barbara
Wheeler, Katherine

Chagnon, Ronald
Hilliard, Dana
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

Gilmore, Gary
Keans, Sandra
Merrill, Amanda
Rogers, Rose Marie
Torr, Ann

Hambrick, Patricia
Loder, Suzanne
Merritt, Deborah
Snyder, Clair
Wall, Janet

SULLIVAN

Allison, David
Lindblade, Eric
Stamatakis, Carol

Behrens, Thomas
Palmer, Lorraine

Burling, Peter
Rodeschin, Beverly

Cloutier, John
Schotanus, Merle

NAYS 172**BELKNAP**

Bartlett, Gordon	Campbell, Richard, Jr.	Dewhirst, Glenn	Golden, Paul
Hawkins, Robert	Holbrook, Robert	Johnson, Carl	Laflam, Robert
Turner, Robert			

CARROLL

Allard, Nanci	Beach, Mildred	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Mock, Henry
Philbrick, Donald	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
McGuirk, Paul	McNamara, Wanda	Perry, David	Smith, Edwin

COOS

Foss, Frederic	Guay, Lawrence	Horton, Lynn
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GRAFTON

Adams, Carl	Brown, Channing	Driscoll, William	Eaton, Stephanie
Gordon, Edward	Hill, Richard	Larson, Nils, Jr.	Rose, William
Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas, Jr.	Bergeron, Lucien	Borsa, Andrew
Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert	Cowenhoven, Garret
Crotty, Edward	Daniels, Gary	Desrosiers, William	Dodge, Emma
Domaingue, Jacquelyn	Drolet, Paul	Dyer, Merton	Dykstra, Leona
Fenton, James	Ferguson, Charles	Holley, Sylvia	Holt, David
Holt, Mark	Hunter, Bruce	Kelley, Dana	Kelley, Robert
Kurk, Neal	Leclerc, Charles	Lown, Elizabeth	McCarty, Winston
McRae, Karen	Mercer, Robert	Milligan, Robert	Moncrief, Keith
Morello, Michael	Packard, Bonnie	Pepino, Leo	Peters, Stanley
Rheault, Lillian	Riley, Frances	Rothaus, Finlay	Sallada, Roland
Searles, Stanley, Sr.	Turgeon, Roland	Upton, Barbara	Vanderlosk, Stanley
Wheeler, Robert	Wright, George		

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Chandler, Earle	Chandler, John
Fillion, Paul	Gilbreth, Robert	Holmes, Mary	Houlahan, Thomas
Kennedy, Richard	Kidder, William	Langer, Ray	Lockwood, Robert
Nichols, Avis	Pfaff, Terence	Whalley, Michael	Whittemore, James
Willis, Jack			

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Blake, Daniel
Boucher, William	Bove, Martin	Case, Margaret	Chester, Sherman
Conroy, Janet	Cote, Charles	Dowd, Sandra	Dowling, Patricia
Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gorman, Donald	Groves, Bonnie
Hazelton, Robert	Hemenway, Thomas	Hutchinson, Karen	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.
Kruse, Fred	Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy
Moore, Benjamin	Noyes, Richard	Packard, Sherman	Pratt, Katharin
Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Ritzo, Eugene	Rosencrantz, James	Rubin, George	Skinner, Patricia
Smith, Arthur	Syracusa, Anthony	Sytek, Donna	Sytek, John
Warburton, Calvin	Welch, David	Weyler, Kenneth	Williamson, William
Yennaco, Carol			

STRAFFORD

Brown, George	Brown, Julie	Douglass, Clyde	Dunlap, Patricia
Kincaid, William	Knowles, William	McKinley, Robert	Musler, George
Torr, Franklin	Torr, Ralph	Vincent, Francis	Wasson, Richard

SULLIVAN

Flint, Gordon	Peyron, Fredrik
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and the amendment failed.

Rep. Braiterman wished to be recorded in favor.

Rep. Eaton voted nay and intended to vote yea.

Rep. Lockwood moved Inexpedient to Legislate.

Rep. Skinner yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Trombly moved that **HB 1354**, providing that one member of the state board of education shall be a currently certified and employed New Hampshire public school teacher, be laid upon the table.

On a division vote, 161 members having voted in the affirmative and 178 in the negative, the motion failed.

Rep. Braiterman wished to be recorded against tabling the bill.

The question now being the adoption of the substitute motion of Inexpedient to Legislate. Roll call request sufficiently seconded.

YEAS 213 - NAYS 130**YEAS 213****BELKNAP**

Bartlett, Gordon	Campbell, Richard, Jr.	Dewhirst, Glenn	Golden, Paul
Hauck, William	Hawkins, Robert	Holbrook, Robert	Johnson, Carl
Laflam, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Turner, Robert
Ziegra, Alice			

CARROLL

Allard, Nanci	Beach, Mildred	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Mock, Henry
Philbrick, Donald	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Foster, Katherine
Hunt, John	McGuirk, Paul	McNamara, Wanda	Metzger, Katherine
Perry, David	Royce, H. Charles	Smith, Edwin	Young, David

COOS

Foss, Frederic	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
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GRAFTON

Adams, Carl	Bean, Pamela	Brown, Channing	Driscoll, William
Gordon, Edward	Hill, Richard	Larson, Nils, Jr.	Rose, William
Scanlan, David	Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen

HILLSBOROUGH

Allen, W. Gordon	Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.
Bergeron, Lucien	Bergeron, Normand	Borsa, Andrew	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Cowenhoven, Garret	Crotty, Edward	Daniels, Gary	Desrosiers, William
Dodge, Emma	Domaigne, Jacquelyn	Donovan, Francis	Drolet, Paul

Durham, Susan
 Ferguson, Charles
 Gosselin, Gerald
 Holley, Sylvia
 Johnson, Lionel
 L'Heureux, Robert
 Lozeau, Donnalee
 Mercer, Robert
 Morello, Michael
 Peters, Stanley
 Rothhaus, Finlay
 Upton, Barbara

Dyer, Merton
 Franks, Suzan
 Greenberg, Gary
 Holt, David
 Kelley, Dana
 Lachut, Ervin
 Martin, Mary Ellen
 Milligan, Robert
 Morrisette, Roland
 Record, Alice
 Sallada, Roland
 Wheeler, Robert

Dykstra, Leona
 Gage, Ruth
 Healy, Daniel
 Hunter, Bruce
 Kelley, Robert
 Lefebvre, Roland
 McCarty, Winston
 Mittelman, David
 Packard, Bonnie
 Rheault, Lillian
 Searles, Stanley, Sr.
 Wright, George

Fenton, James
 Gagnon, Eugene
 Holden, Carol
 Jasper, Shawn
 Kurk, Neal
 Lown, Elizabeth
 McRae, Karen
 Moncrief, Keith
 Pepino, Leo
 Riley, Frances
 Turgeon, Roland

MERRIMACK

Barberia, Richard
 Feuerstein, Martin
 Houlahan, Thomas
 Langer, Ray
 Pfaff, Terence

Buessing, Marjorie
 Fillion, Paul
 Johnson, C. William
 Lockwood, Robert
 Whalley, Michael

Chandler, Earle
 Gilbreth, Robert
 Kennedy, Richard
 Mitchell, Vernon
 Whittemore, James

Chandler, John
 Holmes, Mary
 Kidder, William
 Nichols, Avis
 Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
 Boucher, William
 Clark, Vivian
 DiPietro, Carmela
 Dube, LeRoy
 Gorman, Donald
 Hutchinson, Karen
 Klemarczyk, Thaddeus
 Lovejoy, Marian
 Noyes, Richard
 Putnam, Ed, II
 Skinner, Patricia
 Sytek, John
 Williamson, William

Arndt, Janet
 Bove, Martin
 Conroy, Janet
 Dowd, Sandra
 Fesh, Robert
 Groves, Bonnie
 Johnson, Robert
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Packard, Sherman
 Raynowska, Bernard
 Smith, Arthur
 Warburton, Calvin
 Woods, Deborah

Beaulieu, Jon
 Campbell, Marilyn
 Cote, Charles
 Dowling, Patricia
 Flanders, David
 Hazelton, Robert
 Katsakiores, George
 Kruse, Fred
 McKinney, Betsy
 Pratt, Katharin
 Richards, David
 Stritch, C. Donald
 Welch, David
 Yennaco, Carol

Blake, Daniel
 Case, Margaret
 Cote, Patricia
 Drake, Herbert
 Flanders, John, Sr.
 Hemenway, Thomas
 Katsakiores, Phyllis
 Lee, Rebecca
 Moore, Benjamin
 Pullman, Robert
 Rubin, George
 Sytek, Donna
 Weyler, Kenneth

STRAFFORD

Brown, George
 Knowles, William
 Sullivan, Henry
 Vincent, Francis

Brown, Julie
 McKinley, Robert
 Torr, Ann
 Wall, Janet

Douglass, Clyde
 Musler, George
 Torr, Franklin
 Wasson, Richard

Kincaid, William
 Spear, Barbara
 Torr, Ralph

SULLIVAN

Behrens, Thomas

Flint, Gordon

Peyron, Fredrik

Rodeschin, Beverly

NAYS 130

BELKNAP

Salatiello, Thomas

Smith, Linda

CARROLL

Bradley, Jeb

CHESHIRE

Bonneau, Sarah
 Lynch, Margaret
 Riley, William

Burnham, Daniel
 Manning, Joseph
 Robertson, Timothy

DePecol, Benjamin
 Pearson, Gertrude
 Russell, Ronald

Kingsbury, H. Thayer
 Richardson, Barbara

COOS

Bradley, Paula	Coulombe, Henry	Harwell, Tyler	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar	Pratt, Leighton	

GRAFTON

Below, Clifton	Brown, Alson	Brown, Patricia	Copenhaver, Marion
Crory, Elizabeth	Eaton, Stephanie	Guest, Robert	Ham, Bonnie
LaMott, Paul	McIlwaine, Deborah	Nordgren, Sharon	Teschner, Douglass

HILLSBOROUGH

Ahern, Richard	Amidon, Eleanor	Bagley, Amy	Clemons, Jane
Cote, David	Daigle, Robert	Drabinowicz, A. Theresa	Fields, Dennis
Foster, Linda	Gervais, Glen	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Hart, Nick	Holt, Mark	Jean, Claudette
Kirby, Thomas	Laughlin, J. Francis	Leclerc, Charles	Lessard, Rudy
Messier, Irene	Murphy, Robert	Nardi, Theodora	O'Rourke, Joanne
Perkins, Paul	Philbrook, Paula	Plourde, Alphonse	Reidy, Frank
Sargent, Maxwell	Soucy, Donna	Soucy, Richard	Stewart, Thomas
Sullens, Joan	Toomey, Kathryn	Vanderlosk, Stanley	White, John

MERRIMACK

Carter, Susan	Daneault, Gabriel	Dunn, Miriam	French, Barbara
Hall, Douglas	Moore, Carol	Newland, Matthew	Owen, Derek
Regan, Maurice	Rogers, Katherine	Shaw, Randall	Trombly, Rick
Wallner, Mary Jane	Ward, Jay	Yeaton, Charles	

ROCKINGHAM

Bell, Juanita	Caswell, Albert, Jr.	Chester, Sherman	Christie, Andrew, Jr.
Clark, Martha	Coes, Betsy	Crossman, Harold, Jr.	Felch, Charles, Sr.
Gage, Beverly	Hurst, Sharleene	Kane, Cecelia	McGovern, Cynthia
O'Keefe, Patricia	Ritzo, Eugene	Rosencrantz, James	Senter, Merilyn
Splaine, James	St. Martin, Tommy	Stone, Joseph	Syracusa, Anthony
Vaughn, Charles			

STRAFFORD

Callaghan, Frank	Chagnon, Ronald	Dunlap, Patricia	Gilmore, Gary
Hambrick, Patricia	Hemon, Roland	Hilliard, Dana	Keans, Sandra
Loder, Suzanne	Lundborn, Raymond	McGrath, J. Gregory	Merrill, Amanda
Merritt, Deborah	Nehring, William	Pelletier, Arthur	Rogers, Rose Marie
Snyder, Clair	Wheeler, Katherine		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Lindblade, Eric
Palmer, Lorraine	Schotanus, Merle	Stamatakis, Carol	

and the motion was adopted.

Rep. Braiterman wished to be recorded in favor.

HB 1458-FN-L, to provide incentive through school building aid for establishing and maintaining public kindergarten programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzan L. R. Franks for Education: This bill as amended creates incentive through enhanced school building aid to help school districts both establish and maintain public kindergarten programs. The committee voted unanimously to support it. Vote 16-0.

Amendment (4844B)

Amend RSA 198:15-i, III as inserted by section 1 of the bill by replacing it with the following:

III. Any school district, city maintaining a school department, or AREA or cooperative school district receiving kindergarten incentive aid under this subdivision shall pay back to

the state board of education 50 percent of the kindergarten incentive aid received under paragraph II at the time such kindergarten program ceases to exist within 10 years of the initial kindergarten incentive aid payment.

Amend the bill by replacing section 2 with the following:

2 Repeal. RSA 198:15-i, I and II; 198:15-j; and 198:15-k, relative to a kindergarten incentive program, are repealed.

Adopted.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 255 - NAYS 83

YEAS 255

BELKNAP

Campbell, Richard, Jr.	Dewhirst, Glenn	Hauck, William	Hawkins, Robert
Laffam, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas
Smith, Linda	Ziegra, Alice		

CARROLL

Beach, Mildred	Bradley, Jeb	Dickinson, Howard, Jr.	Foster, Robert
Lyman, L. Randy	Philbrick, Donald	Wiggin, Gordon	

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Cole, Stacey
DePecol, Benjamin	Delano, Robert	Foster, Katherine	Kingsbury, H. Thayer
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Metzger, Katherine	Perry, David	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Young, David

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Guay, Lawrence
Harwell, Tyler	Hawkinson, Marie	Mayhew, Josephine	Pratt, Leighton

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Brown, Patricia	Copenhaver, Marion	Crory, Elizabeth
Driscoll, William	Gordon, Edward	Guest, Robert	Ham, Bonnie
LaMott, Paul	Larson, Nils, Jr.	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor	Arnold, Barbara
Arnold, Thomas, Jr.	Bagley, Amy	Bergeron, Lucien	Bergeron, Normand
Buckley, Raymond	Cepaitis, Elizabeth	Clemons, Jane	Cote, David
Cowenhoven, Garret	Crotty, Edward	Daigle, Robert	Donovan, Francis
Drabinowicz, A. Theresa	Drolet, Paul	Durham, Susan	Dyer, Merton
Ferguson, Charles	Fields, Dennis	Foster, Linda	Franks, Suzan
Gage, Ruth	Gagnon, Eugene	Gervais, Glen	Gosselin, Gerald
Greenberg, Gary	Haettenschwiler, Alphonse	Hall, Betty	Hanselman, Gregory
Hart, Nick	Healy, Daniel	Holden, Carol	Holt, David
Holt, Mark	Jasper, Shawn	Jean, Claudette	Johnson, Lionel
Kelley, Dana	Kelley, Robert	Kirby, Thomas	L'Heureux, Robert
Lachut, Ervin	Laughlin, J. Francis	Leclerc, Charles	Lefebvre, Roland
Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee	Martin, Mary Ellen
McCarty, Winston	Mercer, Robert	Messier, Irene	Mittelman, David
Morello, Michael	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Rourke, Joanne	Perkins, Paul	Philbrook, Paula	Plourde, Alphonse
Record, Alice	Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.

Soucy, Donna
Toomey, Kathryn
White, John

Soucy, Richard
Turgeon, Roland

Stewart, Thomas
Upton, Barbara

Sullens, Joan
Vanderlosk, Stanley

MERRIMACK

Barberia, Richard
Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Kidder, William
Newland, Matthew
Rogers, Katherine
Whalley, Michael

Braiterman, Thea
Chandler, John
Fillion, Paul
Holmes, Mary
Lockwood, Robert
Owen, Derek
Shaw, Randall
Yeaton, Charles

Buessing, Marjorie
Daneault, Gabriel
French, Barbara
Houlahan, Thomas
Mitchell, Vernon
Pfaff, Terence
Wallner, Mary Jane

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Johnson, C. William
Moore, Carol
Regan, Maurice
Ward, Jay

ROCKINGHAM

Aranda, M. Kathryn
Campbell, Marilyn
Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert
Hemenway, Thomas
Lee, Rebecca
Ritzo, Eugene
Splaine, James
Syracusa, Anthony
Woods, Deborah

Arndt, Janet
Case, Margaret
Clark, Martha
Crossman, Harold, Jr.
Felch, Charles, Sr.
Hurst, Sharleene
McGovern, Cynthia
Rosencrantz, James
St. Martin, Tommy
Sytek, John
Yennaco, Carol

Bell, Juanita
Caswell, Albert, Jr.
Coes, Betsy
DiPietro, Carmela
Flanders, John, Sr.
Kane, Cecelia
O'Keefe, Patricia
Senter, Marilyn
Stone, Joseph
Vaughn, Charles

Bove, Martin
Chester, Sherman
Conroy, Janet
Dowd, Sandra
Groves, Bonnie
Klemarczyk, Thaddeus
Richards, David
Skinner, Patricia
Stritch, C. Donald
Williamson, William

STRAFFORD

Brown, Julie
Gilmore, Gary
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose Marie
Torr, Ann
Wall, Janet

Callaghan, Frank
Hambrick, Patricia
Kincaid, William
McGrath, J. Gregory
Musler, George
Snyder, Clair
Torr, Franklin
Wheeler, Katherine

Chagnon, Ronald
Hemon, Roland
Knowles, William
McKinley, Robert
Nehring, William
Spear, Barbara
Torr, Ralph

Dunlap, Patricia
Hilliard, Dana
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Sullivan, Henry
Vincent, Francis

SULLIVAN

Allison, David
Flint, Gordon
Rodeschin, Beverly

Behrens, Thomas
Lindblade, Eric
Schotanus, Merle

Burling, Peter
Palmer, Lorraine
Stamatakis, Carol

Cloutier, John
Peyron, Fredrik

NAYS 83

BELKNAP

Bartlett, Gordon
Turner, Robert

Golden, Paul

Holbrook, Robert

Johnson, Carl

CARROLL

Allard, Nanci
Saunders, Howard

Chandler, Gene

Cogswell, Richard

Mock, Henry

CHESHIRE

Hunt, John

Pearson, Gertrude

Smith, Edwin

COOS

Horton, Lynn

Merrill, Gerald

GRAFTON

Eaton, Stephanie

Hill, Richard

Rose, William

HILLSBOROUGH

Andrews, Frederick

Borsa, Andrew

Burke, M. Virginia

Calawa, Leon, Jr.

Chabot, Robert

Daniels, Gary

Desrosiers, William

Domaingue, Jacquelyn

Dykstra, Leona

Fenton, James

Holley, Sylvia

Hunter, Bruce

Kurk, Neal

McRae, Karen

Milligan, Robert

Moncrief, Keith

Packard, Bonnie

Rheault, Lillian

Riley, Frances

Rothhaus, Finlay

Sallada, Roland

Wheeler, Robert

Wright, George

MERRIMACK

Kennedy, Richard

Langer, Ray

Nichols, Avis

Whittemore, James

Willis, Jack

ROCKINGHAM

Beaulieu, Jon

Blake, Daniel

Boucher, William

Clark, Vivian

Cote, Charles

Dowling, Patricia

Dube, LeRoy

Fesh, Robert

Flanders, David

Gage, Beverly

Gorman, Donald

Hazelton, Robert

Hutchinson, Karen

Johnson, Robert

Katsakiores, George

Katsakiores, Phyllis

Klemm, Arthur, Jr.

Kruse, Fred

Lovejoy, Marian

Malcolm, Kenneth

McKinney, Betsy

Moore, Benjamin

Noyes, Richard

Packard, Sherman

Pratt, Katharin

Pullman, Robert

Putnam, Ed, II

Raynowska, Bernard

Rubin, George

Smith, Arthur

Sytek, Donna

Warburton, Calvin

Welch, David

Weyler, Kenneth

STRAFFORD

Brown, George

Douglass, Clyde

Wasson, Richard

SULLIVAN

None

and the report was adopted.

Referred to Appropriations.

Reps. McIlwaine, Pepino and Wells wished to be recorded in favor.

(Rep. Cole in the Chair)**HB 1514**, establishing a "gifted and talented program" for certain public schools. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: The committee realizes that programs for this group are frequently cut from tight local budgets. This bill would provide \$150 per pupil to encourage local districts to establish programs outside regular school hours for enrichment programs for academically gifted and talented students. The FN calls for state expenditures of \$465,450 in FY 95 and each year thereafter. Vote 13-0.

Amendment (4898B)

Amend RSA 186-D:6 as inserted by section 1 of the bill by replacing it with the following: 186-D:6 Rulemaking Authority. The state board of education shall adopt rules, under RSA 541-A, relative to administering gifted and talented student programs. Such rules shall impose the least possible administrative burden on school districts and shall not establish program content or procedure.

AMENDED ANALYSIS

This bill allows public schools to establish gifted and talented student programs in the elementary and middle school grades. Each school would receive \$150 per year for each student participating in the program. The bill grants rulemaking authority to the state board of education for the purpose of administering this bill.

Adopted.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 241 - NAYS 93**YEAS 241****BELKNAP**

Campbell, Richard, Jr.
Rice, Thomas, Jr.

Dewhirst, Glenn
Rosen, Ralph

Hawkins, Robert
Salatiello, Thomas

Laflam, Robert

CARROLL

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Philbrick, Donald

Dickinson, Howard, Jr.
Wiggin, Gordon

Foster, Robert

CHESHIRE

Avery, Stephen
Foster, Katherine
Metzger, Katherine
Robertson, Timothy
Young, David

Bonneau, Sarah
Kingsbury, H. Thayer
Perry, David
Royce, H. Charles

Burnham, Daniel
Lynch, Margaret
Richardson, Barbara
Russell, Ronald

DePecol, Benjamin
Manning, Joseph
Riley, William
Smith, Edwin

COOS

Bradley, Paula
Harwell, Tyler
Mears, Edgar

Coulombe, Henry
Hawkinson, Marie
Merrill, Gerald

Foss, Frederic
Horton, Lynn

Guay, Lawrence
Mayhew, Josephine

GRAFTON

Adams, Carl
Brown, Patricia
Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Bean, Pamela
Copenhaver, Marion
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

Below, Clifton
Cory, Elizabeth
LaMott, Paul
Scanlan, David

Brown, Alson
Gordon, Edward
Larson, Nils, Jr.
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Arnold, Barbara
Calawa, Leon, Jr.
Cowenhoven, Garret
Drabinowicz, A. Theresa
Fields, Dennis
Gagnon, Eugene
Haettenschwiller, Alphonse
Healy, Daniel
Hunter, Bruce
Kelley, Robert
Lachut, Ervin
Lessard, Rudy
Mittelman, David
Nardi, Theodora
Plourde, Alphonse
Sallada, Roland
Soucy, Richard
Turgeon, Roland

Allen, W. Gordon
Bagley, Amy
Cepaitis, Elizabeth
Crotty, Edward
Drolet, Paul
Foster, Linda
Gervais, Glen
Hall, Betty
Holden, Carol
Jasper, Shawn
Kirby, Thomas
Laughlin, J. Francis
Lown, Elizabeth
Morello, Michael
O'Rourke, Joanne
Record, Alice
Sargent, Maxwell
Stewart, Thomas
Upton, Barbara

Amidon, Eleanor
Bergeron, Lucien
Clemons, Jane
Daigle, Robert
Durham, Susan
Franks, Suzan
Gosselin, Gerald
Hanselman, Gregory
Holt, David
Jean, Claudette
Kurk, Neal
Leclerc, Charles
Messier, Irene
Morrisette, Roland
Perkins, Paul
Reidy, Frank
Searles, Stanley, Sr.
Sullens, Joan
White, John

Andrews, Frederick
Buckley, Raymond
Cote, David
Donovan, Francis
Dykstra, Leona
Gage, Ruth
Greenberg, Gary
Hart, Nick
Holt, Mark
Johnson, Lionel
L'Heureux, Robert
Lefebvre, Roland
Milligan, Robert
Murphy, Robert
Philbrook, Paula
Rheault, Lillian
Soucy, Donna
Toomey, Kathryn

MERRIMACK

Barberia, Richard
Chandler, John
French, Barbara
Johnson, C. William
Mitchell, Vernon
Pfaff, Terence
Ward, Jay

Braiterman, Thea
Daneault, Gabriel
Hall, Douglas
Kennedy, Richard
Moore, Carol
Rogers, Katherine
Whittemore, James

Buessing, Marjorie
Dunn, Miriam
Holmes, Mary
Kidder, William
Newland, Matthew
Shaw, Randall
Yeaton, Charles

Chandler, Earle
Fillion, Paul
Houlahan, Thomas
Lockwood, Robert
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Bell, Juanita	Bove, Martin
Campbell, Marilyn	Case, Margaret	Caswell, Albert, Jr.	Chester, Sherman
Christie, Andrew, Jr.	Clark, Martha	Clark, Vivian	Coes, Betsy
Crossman, Harold, Jr.	Dowd, Sandra	Flanders, John, Sr.	Gage, Beverly
Groves, Bonnie	Hazelton, Robert	Hemenway, Thomas	Hurst, Sharleene
Kane, Cecelia	Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.
Lee, Rebecca	McGovern, Cynthia	McKinney, Betsy	Moore, Benjamin
O'Keefe, Patricia	Pratt, Katharin	Richards, David	Ritzo, Eugene
Rosencrantz, James	Senter, Marilyn	Skinner, Patricia	Splaine, James
St. Martin, Tommy	Stitch, C. Donald	Syracusa, Anthony	Sytek, John
Vaughn, Charles	Welch, David	Williamson, William	Woods, Deborah

STRAFFORD

Brown, Julie	Callaghan, Frank	Douglass, Clyde	Dunlap, Patricia
Gilmore, Gary	Hambrick, Patricia	Hemon, Roland	Hilliard, Dana
Keans, Sandra	Kincaid, William	Knowles, William	Loder, Suzanne
Lundborn, Raymond	McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda
Merritt, Deborah	Musler, George	Nehring, William	Pelletier, Arthur
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Torr, Ralph	Wall, Janet	Wheeler, Katherine

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Lindblade, Eric	Palmer, Lorraine	Stamatakis, Carol

NAYS 93**BELKNAP**

Bartlett, Gordon	Golden, Paul	Hauck, William	Holbrook, Robert
Johnson, Carl	Smith, Linda	Turner, Robert	Ziegra, Alice

CARROLL

Allard, Nanci	Chandler, Gene	Cogswell, Richard	Mock, Henry
Saunders, Howard			

CHESHIRE

Delano, Robert	Hunt, John	McNamara, Wanda	Pearson, Gertrude
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COOS

Pratt, Leighton

GRAFTON

Brown, Channing	Driscoll, William	Eaton, Stephanie	Hill, Richard
Rose, William			

HILLSBOROUGH

Arnold, Thomas, Jr.	Bergeron, Normand	Borsa, Andrew	Burke, M. Virginia
Chabot, Robert	Daniels, Gary	Desrosiers, William	Domaingue, Jacquelyn
Dyer, Merton	Fenton, James	Ferguson, Charles	Holley, Sylvia
Kelley, Dana	Lozeau, Donnalee	Martin, Mary Ellen	McCarty, Winston
McRae, Karen	Mercer, Robert	Moncrief, Keith	Packard, Bonnie
Pepino, Leo	Riley, Frances	Rothhaus, Finlay	Vanderlosk, Stanley
Wheeler, Robert	Wright, George		

MERRIMACK

Feuerstein, Martin	Gilbreth, Robert	Langer, Ray	Nichols, Avis
Regan, Maurice	Whalley, Michael	Willis, Jack	

ROCKINGHAM

Beaulieu, Jon	Boucher, William	Conroy, Janet	Cote, Charles
Cote, Patricia	DiPietro, Carmela	Dowling, Patricia	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Flanders, David	Gorman, Donald
Johnson, Robert	Katsakiores, George	Kruse, Fred	Lovejoy, Marian
Malcolm, Kenneth	Noyes, Richard	Packard, Sherman	Pullman, Robert
Putnam, Ed, II	Raynowska, Bernard	Rubin, George	Smith, Arthur
Stone, Joseph	Sytek, Donna	Warburton, Calvin	Weyler, Kenneth
Yennaco, Carol			

STRAFFORD

Brown, George	Chagnon, Ronald	Rogers, Rose Marie	Vincent, Francis
Wasson, Richard			

SULLIVAN

Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle
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and the report was adopted.

Referred to Appropriations.

HB 676, relative to unfunded state mandates and exempting political subdivisions from certain fees imposed by the department of environmental services. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Environment and Agriculture: The committee and subcommittee spent many hours of intensive study and well attended meetings trying to develop a House Resolution requesting a NH supreme Court opinion on the constitutionality of HB 676. For the purposes of obtaining opinions on carefully selected constitutional issues, the committee felt it would be simpler and more effective if the subcommittee, in cooperation with others, developed alternative vehicles. Vote 17-0.

Rep. David Young moved that the words Ought to Pass be substituted for the report of the Committee Inexpedient to Legislate, and spoke in favor.

Rep. Scanlan spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 152 - NAYS 185**YEAS 152****BELKNAP**

Bartlett, Gordon	Johnson, Carl	Laflam, Robert	Rice, Thomas, Jr.
Rosen, Ralph	Turner, Robert		

CARROLL

Allard, Nanci	Cogswell, Richard	Mock, Henry
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CHESHIRE

Foster, Katherine	Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret
McGuirk, Paul	Pearson, Gertrude	Richardson, Barbara	Riley, William
Robertson, Timothy	Young, David		

COOS

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar			

GRAFTON

Brown, Patricia	Copenhaver, Marion	Gordon, Edward	Guest, Robert
Ham, Bonnie	Hill, Richard	McIlwaine, Deborah	Rose, William
Ward, Kathleen			

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Bagley, Amy	Bergeron, Lucien
Borsa, Andrew	Buckley, Raymond	Burke, M. Virginia	Cepaitis, Elizabeth
Cote, David	Daniels, Gary	Domaingue, Jacquelyn	Donovan, Francis
Drabinowicz, A. Theresa	Durham, Susan	Fenton, James	Gage, Ruth
Gervais, Glen	Gosselin, Gerald	Haettenschwiller, Alphonse	Hart, Nick
Hunter, Bruce	Jean, Claudette	Kurk, Neal	L'Heureux, Robert
Lachut, Ervin	Laughlin, J. Francis	Leclerc, Charles	Lefebvre, Roland
Lessard, Rudy	Moncrief, Keith	Morrisette, Roland	Nardi, Theodora
O'Rourke, Joanne	Pepino, Leo	Perkins, Paul	Peters, Stanley
Philbrook, Paula	Plourde, Alphonse	Reidy, Frank	Riley, Frances
Rothhaus, Finlay	Soucy, Donna	Soucy, Richard	Stewart, Thomas
Toomey, Kathryn	Wells, Peter, Sr.	White, John	

MERRIMACK

Barberia, Richard	Braiterman, Thea	Buessing, Marjorie	Chandler, Earle
Chandler, John	Daneault, Gabriel	Dunn, Miriam	Fillion, Paul
Houlahan, Thomas	Kennedy, Richard	Newland, Matthew	Rogers, Katherine
Shaw, Randall	Wallner, Mary Jane	Ward, Jay	Whittemore, James

ROCKINGHAM

Bell, Juanita	Boucher, William	Bove, Martin	Case, Margaret
Caswell, Albert, Jr.	Clark, Martha	Clark, Vivian	Conroy, Janet
Cote, Charles	Crossman, Harold, Jr.	DiPietro, Carmela	Dube, LeRoy
Flanders, David	Gorman, Donald	Hazelton, Robert	Hemenway, Thomas
Hurst, Sharleene	Hutchinson, Karen	Kane, Cecelia	Katsakiores, George
Lovejoy, Marian	McGovern, Cynthia	McKinney, Betsy	O'Keefe, Patricia
Packard, Sherman	Pratt, Katharin	Putnam, Ed, II	Rubin, George
Smith, Arthur	Splaine, James	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Vaughn, Charles	Warburton, Calvin	Williamson, William

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Chagnon, Ronald
Hemon, Roland	Hilliard, Dana	Keans, Sandra	Kincaid, William
Knowles, William	Lundborn, Raymond	McKinley, Robert	Pelletier, Arthur
Rogers, Rose Marie	Snyder, Clair	Torr, Ralph	Vincent, Francis

SULLIVAN

Allison, David	Burling, Peter	Flint, Gordon	Palmer, Lorraine
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NAYS 185**BELKNAP**

Campbell, Richard, Jr.	Dewhirst, Glenn	Golden, Paul	Hauck, William
Hawkins, Robert	Holbrook, Robert	Salatiello, Thomas	Smith, Linda
Ziegra, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.
Foster, Robert	Lyman, L. Randy	Philbrick, Donald	Wiggin, Gordon

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Delano, Robert	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Perry, David	Royce, H. Charles	Smith, Edwin	

COOS

Burns, Harold	Foss, Frederic	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton		

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alison
Brown, Channing	Crory, Elizabeth	Driscoll, William	Eaton, Stephanie
LaMott, Paul	Larson, Nils, Jr.	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen	

HILLSBOROUGH

Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.
Bergeron, Normand	Calawa, Leon, Jr.	Chabot, Robert	Clemons, Jane
Cowenhoven, Garret	Crotty, Edward	Daigle, Robert	Desrosiers, William
Drolet, Paul	Dyer, Merton	Dykstra, Leona	Ferguson, Charles
Fields, Dennis	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Greenberg, Gary	Hall, Betty	Hanselman, Gregory	Healy, Daniel
Holden, Carol	Holley, Sylvia	Holt, David	Holt, Mark
Jasper, Shawn	Jean, Loren	Johnson, Lionel	Kelley, Dana
Kelley, Robert	Kirby, Thomas	Lown, Elizabeth	Lozeau, Donnalee
Martin, Mary Ellen	McCarty, Winston	McRae, Karen	Mercer, Robert
Messier, Irene	Mittelman, David	Morello, Michael	Murphy, Robert
Packard, Bonnie	Record, Alice	Rheault, Lillian	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Sullens, Joan	Turgeon, Roland
Upton, Barbara	Vanderlosk, Stanley	Wheeler, Robert	

MERRIMACK

Feuerstein, Martin	French, Barbara	Gilbreth, Robert	Hall, Douglas
Holmes, Mary	Johnson, C. William	Kidder, William	Langer, Ray
Lockwood, Robert	Mitchell, Vernon	Moore, Carol	Nichols, Avis
Owen, Derek	Pfaff, Terence	Regan, Maurice	Whalley, Michael
Willis, Jack	Yeaton, Charles		

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Blake, Daniel
Campbell, Marilyn	Chester, Sherman	Christie, Andrew, Jr.	Coes, Betsy
Cote, Patricia	Dowd, Sandra	Dowling, Patricia	Drake, Herbert
Felch, Charles, Sr.	Fesh, Robert	Flanders, John, Sr.	Gage, Beverly
Groves, Bonnie	Johnson, Robert	Katsakiores, Phyllis	Klemarczyk, Thaddeus
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Malcolm, Kenneth
Noyes, Richard	Pullman, Robert	Raynowska, Bernard	Richards, David
Ritzo, Eugene	Rosencrantz, James	Senter, Marilyn	Skinner, Patricia
St. Martin, Tommy	Sytek, Donna	Sytek, John	Welch, David
Weyler, Kenneth	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Douglass, Clyde	Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia
Loder, Suzanne	McGrath, J. Gregory	Merrill, Amanda	Merritt, Deborah
Musler, George	Nehring, William	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Wall, Janet	Wasson, Richard
Wheeler, Katherine			

SULLIVAN

Behrens, Thomas	Cloutier, John	Lindblade, Eric	Peyron, Fredrik
Rodeschin, Beverly	Schotanus, Merle	Stamatakis, Carol	

and the motion failed.

Report adopted.

HB 1205-FN, licensing commercial animal boarding facilities and establishing fees for such licensure. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Hauck for Environment and Agriculture: This bill requests licensing of all boarding facilities for all domestic animals (including horses). There was little testimony in support of this bill. The few problems that exist have more to do with business management than with animal care. Vote 17-0.

Rep. Vivian Clark moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

(Speaker Burns in the Chair)

Rep. Coes spoke against.

Rep. Hauck spoke against and yielded to questions.

The motion failed and the report was adopted.

HB 1308-FN-A, establishing a committee to review all aspects of New Hampshire's participation and the operation of the New Hampshire building at the Eastern States Exposition and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Derek Owen for Environment and Agriculture: The subcommittee feels that by working with Commissioner Taylor, the sponsors and NH Trustees of the Eastern States Exposition, it can more expeditiously address the concerns regarding the NH Building at the Eastern States Exposition. It will then report back to the Committee on Environment and Agriculture with its findings and proposed legislation for short and long term operations. Vote 16-0.

Adopted.

HB 1123, relative to membership in group II of the New Hampshire retirement system and employment with the police standards and training council. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The committee feels that instructors at the police academy should be members of group II component of the Retirement System for at least 10 years, before becoming full-time instructors for the Police Training Council. After being a member of group II, as a police officer for 10 years or more, the member may continue membership in the police component of group II in the Retirement System if the individual becomes a full-time instructor for the Police Standards and Training Council. Vote 13-2.

Adopted.

HB 1325-FN, requiring the publication of an AIDS/HIV handbook. OUGHT TO PASS WITH AMENDMENT

Rep. Maxwell D. Sargent for Health, Human Services and Elderly Affairs: This bill clarifies the intent of RSA 141-F, which directs the Division of Public Health Services and the Department of Education to coordinate the education efforts of HIV/AIDS education. It ensures that these entities are an integral part of any revision or rewriting of the existing HIV/AIDS handbook and in the publication of new handbooks. Vote 17-0.

Amendment (4753B)

Amend RSA 186:11, IX-a(c) as inserted by section 1 of the bill by replacing it with the following:

(c) In concert with the division of public health services, department of health and human services and the department of education, publish and distribute an AIDS/HIV education handbook with information consistent with that provided by the National Commission on AIDS and the Center for Disease Control and distribute such handbook to the persons listed in subparagraph IX-a(a) and to local educators. This handbook shall include an abstract of each cited reference sufficient for use as a guide by local school boards or their subcommittees. Such abstracts shall be prepared by the department of education based upon the review of recommended materials. The handbook shall be subject to such review as is recommended by the department of education to keep policy recommendations consistent with the current research on both health education programs and the AIDS epidemic.

AMENDED ANALYSIS

This bill requires the board of education, in concert with the division of public health services, department of health and human services and the department of education, to publish

and distribute an AIDS/HIV education handbook. Information in the handbook shall be consistent with that provided by the National Commission on AIDS and the Center for Disease Control.

Adopted.

Report adopted and referred to Appropriations.

HB 1482-FN-L, relative to increases and conversions of inpatient beds under the certificate of need law. **INEXPEDIENT TO LEGISLATE**

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: The certificate of need statutes underwent a major change two years ago. The 10 bed/10 percent increase or conversion allows nursing homes flexibility to adopt to their changing needs. The committee feels there should be ample time to allow the new law to work. If problems arise, they can be addressed specifically in future legislation. Vote 17-1.

Adopted.

HB 1483, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee for the third time voted this important bill out with a favorable report. The bill repeals the law requiring a prescription for persons more than 18 to purchase hypodermic needles and syringes. This repeal has been recommended by the Centers for Disease Control and Prevention (CDC) in Atlanta, Georgia. The amendment is merely an expansion of the statement of purpose. The bill adds the requirement to purchase a container for the safe disposal of used needles. Information on counseling and treatment programs are provided when needles are purchased. Vote 19-0.

Amendment (4643B)

Amend the bill by replacing section 1 with the following:

1 Purpose and Legislative Findings.

I. In October 1993 the Centers for Disease Control and Prevention released a report titled "The Public Health Impact of Needle Exchange Programs in the United States and Abroad". The report recommended, as a measure to combat the spread of AIDS amongst intravenous drug users and their families, that states like New Hampshire that required a prescription to possess hypodermic needles should repeal those laws. The report further recommends that states should repeal the paraphernalia laws as they apply to syringes.

II. The general court recognizes that AIDS and hepatitis are spreading in New Hampshire and in the nation, and that the incidence of AIDS is increasing at a faster rate amongst intravenous drug users and their families than any other segment of the population. The general court is also aware of the tragic affliction of the newborn children of drug abusers with pediatric AIDS. The general court further recognizes the need to educate persons on the safe disposal of hypodermic needles and drug rehabilitation.

III. The general court further finds that:

(a) A substantial portion of infections of viral hepatitis, human immunodeficiency virus, and other deadly diseases are due directly or secondarily to individual use of contaminated hypodermic syringes.

(b) Over 40 states and the provinces of Canada make clean hypodermic syringes available through pharmacies without prescription.

(c) Recent medical studies indicate that jurisdictions which do not require prescriptions for hypodermic syringes have reduced rates of blood-borne infectious disease without any higher rates of illegal drug use.

(d) There is presently no reliable system for informing the many lawful users of hypodermic syringes how to safely dispose of them or for providing adequate means to do so, although safe and inexpensive disposal devices now exist.

IV. Therefore, the general court hereby enacts this legislation to implement the recommendations of the Centers for Disease Control Report and to place New Hampshire in the forefront on the issue of safe needle disposal in an effort to mitigate the AIDS crisis and minimize the spread of AIDS.

Rep. Copenhaver yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee amendment.

YEAS 258 - NAYS 73

YEAS 258

BELKNAP

Campbell, Richard, Jr.
Rice, Thomas, Jr.

Hauck, William
Rosen, Ralph

Hawkins, Robert
Salatiello, Thomas

Laflam, Robert
Ziegler, Alice

CARROLL

Allard, Nanci
Foster, Robert

Bradley, Jeb
Philbrick, Donald

Chandler, Gene

Dickinson, Howard, Jr.

CHESHIRE

Bonneau, Sarah
Delano, Robert
Lynch, Margaret
Pearson, Gertrude
Royce, H. Charles

Burnham, Daniel
Foster, Katherine
Manning, Joseph
Perry, David
Russell, Ronald

Cole, Stacey
Hunt, John
McGuirk, Paul
Richardson, Barbara
Smith, Edwin

DePecol, Benjamin
Kingsbury, H. Thayer
Metzger, Katherine
Robertson, Timothy

COOS

Bradley, Paula
Harwell, Tyler
Mears, Edgar

Coulombe, Henry
Hawkinson, Marie
Merrill, Gerald

Foss, Frederic
Horton, Lynn
Pratt, Leighton

Guay, Lawrence
Mayhew, Josephine

GRAFTON

Adams, Carl
Brown, Patricia
Eaton, Stephanie
Larson, Nils, Jr.
Teschner, Douglass

Bean, Pamela
Copenhaver, Marion
Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Below, Clifton
Crory, Elizabeth
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

Brown, Alson
Driscoll, William
Hill, Richard
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahern, Richard
Arnold, Barbara
Bergeron, Normand
Cepaitis, Elizabeth
Cowenhoven, Garret
Donovan, Francis
Dykstra, Leona
Franks, Suzan
Greenberg, Gary
Hart, Nick
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis
Lown, Elizabeth
McRae, Karen
Morrisette, Roland
Packard, Bonnie
Plourde, Alphonse
Rodgers, G. Philip
Searles, Stanley, Sr.
Toomey, Kathryn
White, John

Allen, W. Gordon
Arnold, Thomas, Jr.
Borsa, Andrew
Chabot, Robert
Crotty, Edward
Drabinowicz, A. Theresa
Ferguson, Charles
Gage, Ruth
Haetenschwiller, Alphonse
Healy, Daniel
Jean, Claudette
Kirby, Thomas
Leclerc, Charles
Lozeau, Donnalee
Messier, Irene
Murphy, Robert
Perkins, Paul
Record, Alice
Rothhaus, Finlay
Soucy, Donna
Upton, Barbara

Amidon, Eleanor
Bagley, Amy
Buckley, Raymond
Clemons, Jane
Daigle, Robert
Durham, Susan
Fields, Dennis
Gagnon, Eugene
Hall, Betty
Holden, Carol
Jean, Loren
Kurk, Neal
Lefebvre, Roland
Martin, Mary Ellen
Milligan, Robert
Nardi, Theodora
Peters, Stanley
Reidy, Frank
Sallada, Roland
Stewart, Thomas
Vanderlosk, Stanley

Andrews, Frederick
Bergeron, Lucien
Calawa, Leon, Jr.
Cote, David
Desrosiers, William
Dyer, Merton
Foster, Linda
Gervais, Glen
Hanselman, Gregory
Holt, David
Johnson, Lionel
Lachut, Ervin
Lessard, Rudy
McCarty, Winston
Morello, Michael
O'Rourke, Joanne
Philbrook, Paula
Rheault, Lillian
Sargent, Maxwell
Sullens, Joan
Wells, Peter, Sr.

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Hall, Douglas
Kidder, William
Newland, Matthew
Rogers, Katherine
Whittemore, James

Carter, Susan
Feuerstein, Martin
Holmes, Mary
Lockwood, Robert
Owen, Derek
Shaw, Randall
Yeaton, Charles

Chandler, John
Fillion, Paul
Houlahan, Thomas
Mitchell, Vernon
Pfaff, Terence
Wallner, Mary Jane

Daneault, Gabriel
French, Barbara
Johnson, C. William
Moore, Carol
Regan, Maurice
Ward, Jay

ROCKINGHAM

Beaulieu, Jon
Case, Margaret
Clark, Vivian
DiPietro, Carmela
Gorman, Donald
Hurst, Sharleene
Krise, Fred
Newman, Rick
Rubin, George
St. Martin, Tommy
Sytek, John
Williamson, William

Bell, Juanita
Caswell, Albert, Jr.
Coes, Betsy
Dowling, Patricia
Groves, Bonnie
Johnson, Robert
Lee, Rebecca
O'Keefe, Patricia
Senter, Marilyn
Stone, Joseph
Vaughn, Charles
Woods, Deborah

Boucher, William
Chester, Sherman
Conroy, Janet
Drake, Herbert
Hazelton, Robert
Kane, Cecelia
McGovern, Cynthia
Pratt, Katharin
Skinner, Patricia
Stritch, C. Donald
Warburton, Calvin

Campbell, Marilyn
Clark, Martha
Crossman, Harold, Jr.
Dube, LeRoy
Hemenway, Thomas
Katsakiores, Phyllis
McKinney, Betsy
Rosencrantz, James
Splaine, James
Syracusa, Anthony
Welch, David

STRAFFORD

Brown, George
Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Pageotte, Donald
Snyder, Clair
Torr, Ralph

Chagnon, Ronald
Hambrick, Patricia
Kincaid, William
Merrill, Amanda
Pelletier, Arthur
Spear, Barbara
Vincent, Francis

Douglass, Clyde
Hemon, Roland
Loder, Suzanne
Merritt, Deborah
Pelletier, Marsha
Sullivan, Henry
Wall, Janet

Dunlap, Patricia
Hilliard, Dana
Lundborn, Raymond
Nehring, William
Rogers, Rose Marie
Torr, Ann
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon
Stamatakis, Carol

Behrens, Thomas
Palmer, Lorraine

Burling, Peter
Peyron, Fredrik

Cloutier, John
Schotanus, Merle

NAYS 73**BELKNAP**

Bartlett, Gordon
Turner, Robert

Golden, Paul

Holbrook, Robert

Johnson, Carl

CARROLL

Cogswell, Richard
Wiggin, Gordon

Lyman, L. Randy

Mock, Henry

Saunders, Howard

CHESHIRE**COOS****GRAFTON**

Gordon, Edward

Rose, William

HILLSBOROUGH

Burke, M. Virginia
Fenton, James

Daniels, Gary
Gosselin, Gerald

Domaingue, Jacquelyn
Holley, Sylvia

Drolet, Paul
Hunter, Bruce

Kelley, Dana
Moncrief, Keith
Turgeon, Roland

L'Heureux, Robert
Pepino, Leo
Wheeler, Robert

Mercer, Robert
Riley, Frances
Wright, George

Mittelman, David
Soucy, Richard

MERRIMACK

Barberia, Richard
Whalley, Michael

Buessing, Marjorie
Willis, Jack

Chandler, Earle

Langer, Ray

ROCKINGHAM

Aranda, M. Kathryn
Christie, Andrew, Jr.
Felch, Charles, Sr.
Katsakiores, George
Noyes, Richard
Raynowska, Bernard
Sytek, Donna

Arndt, Janet
Cote, Charles
Fesh, Robert
Klemarczyk, Thaddeus
Packard, Sherman
Richards, David
Weyler, Kenneth

Blake, Daniel
Cote, Patricia
Flanders, John, Sr.
Klemm, Arthur, Jr.
Pullman, Robert
Ritzo, Eugene
Yennaco, Carol

Bove, Martin
Dowd, Sandra
Hutchinson, Karen
Malcolm, Kenneth
Putnam, Ed, II
Smith, Arthur

STRAFFORD

Callaghan, Frank
Wasson, Richard

Knowles, William

McKinley, Robert

Torr, Franklin

SULLIVAN

Lindblade, Eric

Rodeschin, Beverly

and the amendment was adopted.

Report adopted and ordered to third reading.

HB 1507, relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This legislation authorizes the Division of Public Health Services to establish and implement rules to protect the public when seeking a tattoo or body piercing. This activity is increasing throughout New Hampshire and the country. Vote 14-0.

Amendment (4842B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to licensing tattoo parlors and practitioners of tattooing
and the fees for such licensure and continually
appropriating a special fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Tattoo Parlors. Amend RSA by inserting after chapter 314 the following new chapter:

CHAPTER 314-A TATTOO PARLORS

314-A:1 Definitions. In this chapter:

I. "Director" means the director of the division of public health services, department of health and human services.

II. "Practitioner" means a person who practices tattooing.

III. "Tattoo" means an indelible mark or figure fixed upon the surface of the body by the insertion of pigment under the skin or by the production of scars.

314-A:2 License Required. No practitioner of tattooing shall practice and no establishment in which tattoos are applied shall be operated without a license issued by the director.

314-A:3 Rulemaking. The director shall adopt rules, under RSA 541-A, relative to the hygienic practice of tattooing and sanitary operations of tattoo establishments. Such rules shall include:

I. Standards of hygiene to be met and maintained by establishments and practitioners in order to receive and maintain a license to carry out the practice of tattooing.

II. Procedures to be used to grant a license, revoke a license, and reinstitute a license.

III. A schedule of fees for licenses sufficient for the administration of this chapter.

IV. Inspection of tattoo establishments.

V. Any other matter necessary to the administration of this chapter.

314-A:4 Fund Established. There is established a special fund in the state treasury known as the tattoo fund. All fees collected under this chapter shall be deposited in this fund and shall be used for the sole purpose of administering this chapter. The fund shall be nonlapsing and shall be continually appropriated to the director, division of public health services.

314-A:5 Applicability. The standards of hygiene and sanitary operation for the practice of tattooing adopted by rule under RSA 314-A:3, I shall also apply to the practice of body piercing taking place in tattoo establishments required to be licensed under this chapter. For the purpose of this section, "body piercing" means any piercing of the human body.

314-A:6 Exemptions.

I. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law from performing the occupation for which such person is licensed.

II. Nothing in this chapter shall be construed as preventing towns and cities from prohibiting or regulating the practice of tattooing under RSA 31 and RSA 47, provided that such regulation shall be no less stringent than the provisions of this chapter or rules adopted pursuant to this chapter.

314-A:7 Penalty. Any person who violates the provisions of this chapter shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

2 New Subparagraph; Tattoo Fund. Amend RSA 6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) The fees collected under RSA 314-A which shall be credited to the tattoo fund established under RSA 314-A:4.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires practitioners of tattooing and tattoo establishments to be licensed and authorizes the director, division of public health services, to issue the license.

The bill requires the hygiene and sanitary procedures adopted by rule under this law to apply to the practice of body piercing taking place in establishments requiring licensure under this bill.

The bill also establishes a tattoo fund and continually appropriates the fund to the director of the division of public health services for the administration of the tattoo law.

Adopted.

Report adopted and referred to Ways and Means.

HB 1532-FN-L, requiring the division of public health services to establish a needle exchange program. OUGHT TO PASS WITH AMENDMENT

Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: This bill enables the director of the Division of Public Health Services to establish, with the assistance of an advisory committee, a two-year pilot program of needle exchange in up to three communities. This program offers the free exchange of new hypodermic needles and syringes for used ones. The purpose is to prevent the transmission of human immune deficiency virus (HIV) among intravenous drug users. Needle exchange has been successful in 13 other states with no increase in intravenous drug use. Vote 17-0.

Amendment (4767B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the division of public health services to establish a needle exchange program and making an appropriation therefor.

Amend paragraphs I and II of section 2 of the bill by replacing them with the following:

I. The director of the division of public health services shall establish, with the assistance of an advisory committee, a 2-year pilot program offering the free exchange of new hypodermic needles and syringes for used hypodermic needles and syringes as a means to prevent the transmission of human immunodeficiency virus (HIV) among intravenous drug

users. The pilot program shall be implemented in up to 3 communities in New Hampshire. Any individual who either administers or participates in the needle exchange program established under this act shall be immune from prosecution for violating RSA 318:52-c through RSA 318:52-e. In order to implement this pilot program the director, with the advice of the advisory committee established in section 3 of this act, shall adopt rules relative to:

(a) The communities where the pilot program shall be implemented and the manner of implementation in such communities.

(b) Counseling and rehabilitation services to be offered to persons participating in the program.

(c) Any other matter necessary to the administration of this act.

II. The local municipal government, including the health officer of a chosen community shall approve the pilot program which is to be implemented in the community.

Amend paragraph I of section 3 of the bill by inserting after subparagraph (g) the following new subparagraphs:

(h) A representative of the New Hampshire Pharmacists Association, appointed by such association.

(i) A representative of the New Hampshire Nurses Association, appointed by such association.

Amend the bill by replacing section 5 with the following:

5 Appropriation. The sum of \$50,000 is hereby appropriated for the biennium ending June 30, 1995, to the division of public health services for the purposes of this act. This appropriation shall be reduced by any federal funds received by the division for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date.

I. Section 5 shall take effect July 1, 1994.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the director of the division of public health services to establish, with the assistance of an advisory committee, a 2-year needle exchange pilot program to reduce the spread of AIDS in New Hampshire. The pilot program is to be implemented in up to 3 communities in New Hampshire. The director is granted rulemaking authority to implement the provisions of the bill.

The bill makes an appropriation which is to be reduced by any federal funds received for the purposes of this bill.

On a division vote, 215 members having voted in the affirmative and 94 in the negative, the amendment was adopted.

The question now being the adoption of the amended Committee report.

Roll call request not sufficiently seconded. A second request for a roll call was sufficiently seconded.

YEAS 211 - NAYS 105

YEAS 211

BELKNAP

Bartlett, Gordon
Hawkins, Robert

Campbell, Richard, Jr.
Laflam, Robert

Dewhirst, Glenn
Salatiello, Thomas

Hauck, William
Ziegler, Alice

CARROLL

Dickinson, Howard, Jr.

Foster, Robert

Philbrick, Donald

CHESHIRE

Bonneau, Sarah
Delano, Robert
Lynch, Margaret
Pearson, Gertrude
Robertson, Timothy

Burnham, Daniel
Foster, Katherine
Manning, Joseph
Perry, David
Royce, H. Charles

Cole, Stacey
Hunt, John
McGuirk, Paul
Richardson, Barbara
Russell, Ronald

DePecol, Benjamin
Kingsbury, H. Thayer
Metzger, Katherine
Riley, William

COOS

Bradley, Paula
Hawkinson, Marie
Merrill, Gerald

Coulombe, Henry
Horton, Lynn
Pratt, Leighton

Foss, Frederic
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

GRAFTON

Adams, Carl
Brown, Channing
Driscoll, William
Larson, Nils, Jr.
Trelfa, Richard

Bean, Pamela
Brown, Patricia
Guest, Robert
McIlwaine, Deborah
Wadsworth, Karen

Below, Clifton
Copenhaver, Marion
Ham, Bonnie
Nordgren, Sharon
Ward, Kathleen

Brown, Alson
Crary, Elizabeth
Hill, Richard
Scanlan, David

HILLSBOROUGH

Ahern, Richard
Bergeron, Lucien
Cepaitis, Elizabeth
Crotty, Edward
Durham, Susan
Foster, Linda
Gervais, Glen
Hart, Nick
Jean, Claudette
Lachut, Ervin
McCarty, Winston
Morello, Michael
O'Rourke, Joanne
Record, Alice
Sargent, Maxwell
Toomey, Kathryn
White, John

Amidon, Eleanor
Bergeron, Normand
Chabot, Robert
Daigle, Robert
Dyer, Merton
Franks, Suzan
Greenberg, Gary
Healy, Daniel
Johnson, Lionel
Lessard, Rudy
McRae, Karen
Morrissette, Roland
Perkins, Paul
Rheault, Lillian
Soucy, Donna
Upton, Barbara

Arnold, Thomas, Jr.
Borsa, Andrew
Clemons, Jane
Donovan, Francis
Dykstra, Leona
Gage, Ruth
Haettenschwiller, Alphonse
Holden, Carol
Kelley, Robert
Lown, Elizabeth
Mercer, Robert
Murphy, Robert
Peters, Stanley
Rodgers, G. Philip
Stewart, Thomas
Vanderlosk, Stanley

Bagley, Amy
Buckley, Raymond
Cote, David
Drabinowicz, A. Theresa
Fields, Dennis
Gagnon, Eugene
Hall, Betty
Holt, David
Kurk, Neal
Martin, Mary Ellen
Messier, Irene
Nardi, Theodora
Philbrook, Paula
Sallada, Roland
Sullens, Joan
Wells, Peter, Sr.

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Hall, Douglas
Lockwood, Robert
Owen, Derek
Shaw, Randall

Carter, Susan
Feuerstein, Martin
Holmes, Mary
Mitchell, Vernon
Plaff, Terence
Wallner, Mary Jane

Chandler, John
Fillion, Paul
Johnson, C. William
Moore, Carol
Regan, Maurice
Ward, Jay

Daneault, Gabriel
French, Barbara
Kidder, William
Newland, Matthew
Rogers, Katherine
Yeaton, Charles

ROCKINGHAM

Beaulieu, Jon
Caswell, Albert, Jr.
DiPietro, Carmela
Groves, Bonnie
Kane, Cecelia
McGovern, Cynthia
Rosencrantz, James
St. Martin, Tommy
Vaughn, Charles

Bell, Juanita
Coes, Betsy
Dowling, Patricia
Hemenway, Thomas
Katsakiores, Phyllis
McKinney, Betsy
Rubin, George
Stone, Joseph
Williamson, William

Campbell, Marilyn
Conroy, Janet
Drake, Herbert
Hurst, Sharleene
Krusse, Fred
O'Keefe, Patricia
Senter, Merilyn
Stritch, C. Donald
Woods, Deborah

Case, Margaret
Crossman, Harold, Jr.
Gorman, Donald
Johnson, Robert
Lee, Rebecca
Pratt, Katharin
Splaine, James
Syracusa, Anthony

STRAFFORD

Dunlap, Patricia
Hilliard, Dana
Loder, Suzanne
Nehring, William
Rogers, Rose Marie
Torr, Ralph

Gilmore, Gary
Keans, Sandra
Lundborn, Raymond
Pageotte, Donald
Snyder, Clair
Wall, Janet

Hambrick, Patricia
Kincaid, William
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

Hemon, Roland
Knowles, William
Merritt, Deborah
Pelletier, Marsha
Torr, Ann

SULLIVAN

Allison, David
Peyron, Fredrik

Behrens, Thomas
Stamatakis, Carol

Cloutier, John

Palmer, Lorraine

NAYS 105**BELKNAP**

Golden, Paul
Rosen, Ralph

Holbrook, Robert
Smith, Linda

Johnson, Carl
Turner, Robert

Rice, Thomas, Jr.

CARROLL

Allard, Nanci
Mock, Henry

Chandler, Gene
Saunders, Howard

Cogswell, Richard
Wiggin, Gordon

Lyman, L. Randy

CHESHIRE

McNamara, Wanda

Smith, Edwin

Young, David

COOS

Guay, Lawrence

GRAFTON

Eaton, Stephanie

Gordon, Edward

Rose, William

HILLSBOROUGH

Andrews, Frederick
Daniels, Gary
Fenton, James
Hunter, Bruce
Kirby, Thomas
Lozeau, Donnalee
Packard, Bonnie
Searles, Stanley, Sr.
Wright, George

Arnold, Barbara
Desrosiers, William
Ferguson, Charles
Jasper, Shawn
L'Heureux, Robert
Milligan, Robert
Pepino, Leo
Soucy, Richard

Burke, M. Virginia
Domaingue, Jacquelyn
Gosselin, Gerald
Jean, Loren
Leclerc, Charles
Mittelman, David
Riley, Frances
Turgeon, Roland

Calawa, Leon, Jr.
Drolet, Paul
Holley, Sylvia
Kelley, Dana
Lefebvre, Roland
Moncrief, Keith
Rothhaus, Finlay
Wheeler, Robert

MERRIMACK

Barberia, Richard
Langer, Ray
Willis, Jack

Buessing, Marjorie
Nichols, Avis

Chandler, Earle
Whalley, Michael

Kennedy, Richard
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Chester, Sherman
Cote, Patricia
Fesh, Robert
Hutchinson, Karen
Malcolm, Kenneth
Putnam, Ed, II
Smith, Arthur
Weyler, Kenneth

Arndt, Janet
Christie, Andrew, Jr.
Dowd, Sandra
Flanders, David
Katsakiores, George
Noyes, Richard
Raynowska, Bernard
Sytek, Donna
Yennaco, Carol

Boucher, William
Clark, Vivian
Dube, LeRoy
Flanders, John, Sr.
Klemarczyk, Thaddeus
Packard, Sherman
Richards, David
Sytek, John

Bove, Martin
Cote, Charles
Felch, Charles, Sr.
Hazelton, Robert
Klemm, Arthur, Jr.
Pullman, Robert
Ritzo, Eugene
Welch, David

STRAFFORD

Brown, George
Spear, Barbara

Callaghan, Frank
Torr, Franklin

Douglass, Clyde

McKinley, Robert

SULLIVAN

Flint, Gordon

Lindblade, Eric

and the report was adopted.

Referred to Appropriations.

Reps. Jeb Bradley, Amanda Merrill and Scanlan wished to be recorded in favor.

HB 1157, extending the time for a motion for rehearing under RSA 541. OUGHT TO PASS WITH AMENDMENT

Rep. Nick Hart for Judiciary: The New Hampshire Municipal Association supports this bill. Because of the mail delays and holidays, the 20 days now allowed is cut sometimes to 16 or 17 days notice. In the absence of two or more selectman from any town, the motion for rehearing has to wait for the members to return to vote for a rehearing. The committee feels an extension of 10 days is reasonable. Vote 10-6.

Amendment (4851B)

Amend RSA 541:3 as inserted by section 1 of the bill by replacing it with the following: 541:3 Motion for Rehearing. Within [twenty] 30 days after any order or decision has been made by the commission, any party to the action or proceeding before the commission, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion *all grounds* for rehearing [the ground therefor], and the commission may grant such rehearing if in its opinion good reason [therefor] *for the rehearing* is stated in [said] *the* motion.

Adopted.

Report adopted and ordered to third reading.

HB 1404-FN, requiring a fiscal note for bills which change a civil or criminal penalty. INEXPEDIENT TO LEGISLATE

Rep. Shawn N. Jasper for Legislative Administration: It is not uncommon for fiscal notes to require frequent revisions. This area is one of extreme difficulty in trying to pinpoint costs. The policy committees are constantly being made aware of the general costs that go along with increased penalties, by the various agencies which are effected, but even they cannot give exact figures. Moreover, the cost of public protection should not be the primary concern of the legislator, as it is one of the most basic responsibilities of government. The FN calls for state expenditures of \$17,511 in FY '95 and is \$18,290 in FY '96. Vote 9-4.

Adopted.

HB 1417-FN, requiring the state to pay a portion of the cost of health insurance for legislators and allowing spouses of legislators to obtain such insurance at their own expense. INEXPEDIENT TO LEGISLATE

Rep. Shawn N. Jasper for Legislative Administration: Compensation for the legislature is set by the Constitution. This is an attempt to raise our compensation by avoiding the constitutional process. The FN calls for current state expenditures of \$1621 to \$1929 per member. Vote 9-3.

Rep. Hawkins moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Jasper spoke against and yielded to questions.

The motion failed and the report was adopted.

Rep. Houlahan wished to be recorded in favor of the Committee report.

HB 1497-FN, requiring that testimony in public hearings and executive sessions of legislative committee be taped. INEXPEDIENT TO LEGISLATE

Rep. Shawn N. Jasper for Legislative Administration: The committee found that if the Legislature had an excess of funds and a lack of needs this bill would have merit. In our current fiscal situation, that is not the case. We would recommend that our committee clerks be especially careful when recording the intent of bills, and specifically the intent of amendments, as often a change in the placement of a comma can have a drastic effect on the meaning of a bill. The House Clerk's office should provide improved education in the area of minute taking so as to insure intent becomes part of the permanent record. The FN calls for state expenditures of \$109,880 in FY '95 and \$106,380 in FY '96. Vote 10-3

Rep. Copenhaver moved that the words Refer to Interim Study be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Jasper spoke against and yielded to questions.

On a division vote, 154 members having voted in the affirmative and 180 in the negative, the motion failed.

Report adopted.

HB 1268-FN-A-L, relative to widening and adding traffic signals to certain portions of United States Route 3 and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for Public Works: The traffic problems on US Route 3 and NH Route 11 between Franklin and Laconia are manifold. A study authorized in 1989 and funded in 1992 to identify projects which can be undertaken on the existing right-of-way to improve the level of service, reduce the potential for accidents and meet the needs of the communities has just been completed. The projects in this bill are identified in the study report, and the Public Works Committee supports actions which may be available to carry them out. However, only \$1.00 is appropriated in this bill recognizing current funding constraints. Vote 17-1.

Amendment (4570B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 United States Route 3 Improvements. The department of transportation shall construct traffic signals along United States Route 3 at the intersections with Central Street and West Bow Street, Central Street and River Street, Central Street and Sanborn Street in the city of Franklin, and Central Street and Clark Road in the town of Tilton. The department of transportation shall make improvements to United States Route 3 at the intersection with Central Street and Kendall Street in the city of Franklin.

2 Appropriation. The sum of \$1 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of transportation for the purposes set forth in section 1. The appropriation is nonlapsing and shall be a charge against the highway fund. This appropriation shall be reduced by any federal funds available for this project under the federal Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill appropriates funds for the purpose of adding traffic signals and making improvements to certain portions of United States Route 3. The appropriation shall be reduced by certain federal funds made available for this project.

Adopted.

Report adopted and ordered to third reading.

HB 1523-FN-A, establishing a state veterans' cemetery and making an appropriation therefor. **OUGHT TO PASS**

Rep. Katherine D. Rogers for Public Works: The Committee unanimously supports establishing a state veterans' cemetery on 102 acres of land in the Merrimack State Forest in Boscaawen. HB 1523 creates an oversight committee (consisting of the Governor or his designee, three House members, three Senators, a member of the State Veterans' Council, and a member of the State Veterans' Needs Committee). Vote 14-0.

Adopted and referred to Appropriations.

HB 1557-A, making an appropriation for the design and construction of the Plymouth district courthouse. **OUGHT TO PASS**

Rep. William J. Driscoll for Public Works: The town of Plymouth needs the space in town hall for its own use and has asked the court to move as soon as possible, and this issue is on the warrant for town meeting in March. Additionally, the town has donated the land for the construction of the new building. Vote 17-1.

Adopted and referred to Appropriations.

HB 1464, establishing a special moose hunting permit for certain landowners. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Rose Marie Rogers for the Majority of Wildlife and Marine Resources: Although there is a need to show appreciation to landowners for keeping their land open, this bill, as written, may be difficult to manage and possibly unconstitutional. Vote 7-4.

Reps. Linda A. Smith, Ervin Lachut, Roland J. Lefebvre and Henry W. Coulombe for the Minority of Wildlife and Marine Resources: The Minority is concerned with the increase of landowners posting their opened recreational property. We feel by establishing a special moose hunting permit for landowners of at least 100 contiguous acres, an incentive has been created. This bill may indeed act as a deterrent to posting land.

Rep. Foss moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Drake spoke against.

The motion failed and the report was adopted.

HB 257-FN, establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Appropriations: This bill establishes a transportation fund to fund New Hampshire transportation infrastructure which cannot be funded by the highway trust fund. The fund would provide a dependable source of funds for long-range programming and meet ISTEA criteria that state matching funds be dedicated to transportation. Vote 17-0.

Amendment (4883B)

Amend the bill by replacing all after section 13 with the following:

14 Transfer of Funds and Obligations.

I. All moneys in the special railroad fund and the aeronautical fund on July 1, 1995, shall be transferred to the transportation fund established under RSA 228:15-a.

II. All outstanding obligations of the department of transportation made prior to July 1, 1995, which encumber moneys in the special railroad fund and the aeronautical fund shall be transferred to the transportation fund.

15 Repeal. The following are repealed:

I. RSA 228:68, relative to the special railroad fund.

II. RSA 228:69, relative to the appropriation and use of the special railroad fund.

III. RSA 422:42-44, relative to the aeronautical fund and certain fees.

16 Effective Date. This act shall take effect July 1, 1995.

Rep. Schotanus yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 1324, relative to training for parents so they can provide kindergarten education to their children. INEXPEDIENT TO LEGISLATE

Rep. Charles B. Yeaton for Education: While the sponsor's intent is laudable, this bill would not provide an adequate substitute for a kindergarten education for children. With single parent families and families with both parents working, many of the children who most need kindergarten experience would not be able to receive it. It is also questionable as to whether a few sessions would give the average parent adequate training to provide the experiences which children need. Vote 15-0.

Rep. Hemon moved to Recommit to Committee and spoke in favor.

Rep. Skinner spoke against.

The motion failed and the report was adopted.

CACR 27, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. INEXPEDIENT TO LEGISLATE

Rep. Alice Barnard Record for Judiciary: CACR 27 truly and literally is Inexpedient to Legislate. The committee feels the current system of selecting judges is more than adequate, and in keeping with the basic tenets of the New Hampshire and U.S. Constitutions. Vote 19-0.

Rep. Lown spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Hemon moved that **CACR 27**, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot, be laid upon the table.

The motion failed.

Report adopted.

HB 1168, eliminating the requirement that any person applying for a mooring permit furnish the director of safety services with proof of a boat registration or boat ownership. **REFER FOR INTERIM STUDY**

Rep. Robert J. Laflam for Resources, Recreation and Development: Testimony given showed that the problems associated with the mooring program were greater than the focus of the bill. Interim study will provide the Committee with the time needed during the mooring season to review application procedures, review process, and the simplification of renewal procedure. Vote 15-0.

Rep. Andrews moved that the words Ought to Pass be substituted for the report of the Committee, Refer for Interim Study and spoke in favor.

Reps. Laflam and Dickinson spoke against and yielded to questions.

Rep. Merritt spoke against.

On a division vote, 44 members having voted in the affirmative and 269 in the negative, the motion failed.

Report adopted.

HR 45, relative to cable television and retransmission consent. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Science, Technology and Energy: HR 45 is an attempt to urge commercial broadcast stations and cable operators in New Hampshire to come to an equitable retransmission agreement. The resolution also calls for Congress to encourage the FCC to make market adjustments to the "Areas of Dominant Influence" so that all New Hampshire residents may have access to a wide variety of programming. Vote 8-0.

Rep. McRae moved to Recommit to Committee and spoke in favor.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 15, 1994 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 161-FN-A, increasing the membership of the adult parole board.

HB 178-FN, relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators.

HB 190-FN, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments.

HB 1248, requiring disclosure that a buyer's premium will be charged at certain auctions in New Hampshire.

HB 1371, relative to claiming the homestead right in a levy by sale of an execution on real estate.

HB 1109, relative to dual enrollment.

HB 1101, relative to the collection of protested checks by the department of safety.

HB 1190, authorizing the state to notify the victim of asexual assault of the perpetrator's test results for HIV virus.

HB 1113, relative to claims filed under RSA 541-B against both the state and an agent of the state.

HB 1256, allowing probate judges to accept other forms of securities in lieu of bonds from administrators of estates.

HB 1120-L, making procedural and housekeeping changes regarding the board of tax and land appeals.

HB 1529-FN, relative to the apportionment, priority of and limitations on bridge betterment funds.

HB 1321-FN, relative to liquor licenses for full service restaurants.

HB 1103, redefining the term "camp" for boys and girls.

HB 1151, prohibiting the use of certain motorized craft on Spoonwood Pond in the town of Nelson.

HB 1413, relative to the report of the public water rights study committee.

HB 1211, relative to the authority of municipal water departments and to fee charged by such departments.

HB 1463, modifying the definition of angling.

HB 1213-FN-A, appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made.

HB 1392, making a second or subsequent obscenity violation a class B felony and modifying a definition of sexual conduct.

HB 1483, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

HB 1157, extending the time for a motion of rehearing under RSA-541.

HB 1268-FN-A-L, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor.

HB 257-FN, establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys.

SUSPENSION OF RULES

Rep. Ann Torr moved that in the event Legislative hearings are cancelled due to inclement weather on Wednesday, February 9, that the Rules be so far suspended as to permit those hearings and executive sessions to be held on Thursday, February 10.

Rep. Trombly spoke in favor.

Adopted by the necessary two-thirds.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:05 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 7

Tuesday, February 15, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Forgive us, O God, our lack of confidence in You, our lack of hope in Your power, our lack of faith in Your presence, our lack of trust in Your mercy. Give us a clean heart, O God, renew a right spirit within us and help us to be a community for whom nothing matters but the doing of Your will in Your way, for Your world. Amen.

Rep. Searles led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Rheault, O'Brien, Trelfa, Richard Hill, Royce, Malcolm, Healy, Pantelakos, Patricia Cote and Charles Cote, the day, illness.

Reps. Crum, Hashem, Paquette, Paul White, Gerald Merrill, Flint, McGuirk, Bartlett, Morello, Mayhew, Blake and Dewhirst, the day, important business.

Reps. Hauck and Carter, the day, illness in the family.

INTRODUCTION OF GUESTS

Dr. Dunstan Haettenschwiller, Evelyn, Mark and Patricia Haettenschwiller, brother, wife, son and mother of Rep. Haettenschwiller.

GUEST ON THE ROSTRUM

Suzanne Marie Rak, Mrs. New Hampshire-USA, guest of the House.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 52

memorializing State Representative Howard F. Mason of Wilton

WHEREAS, the New Hampshire House of Representatives, with great sadness, has learned of the death of Howard F. Mason, our esteemed colleague who was in the midst of his seventh term representing District 11 of Hillsborough County, and

WHEREAS, throughout his fourteen years as an honorable Representative, Howard F. Mason did sit, with devotion and with keen acumen, on the standing committee for Education, and

WHEREAS, Howard F. Mason was a respected and accomplished educator, having been a teacher, a coach, a principal and a superintendent in the states of New Hampshire, Massachusetts and Connecticut, and

WHEREAS, Howard F. Mason generously did give of his time, knowledge and self to the townspeople of Wilton, having energetically served on with the Historical Society and as Town Auditor, and

WHEREAS, Howard F. Mason was a native of Bangor, Maine, and a graduate of Wilton High School, and in 1931 he did receive his bachelors degree from Dartmouth College, and in 1957 his doctorate from Harvard University, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Howard F. Mason be granted highest praise and recognition for his dedication to education and to the legislative process, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 53

memorializing former Representative Ernest R. Coutermarsh Sr.

WHEREAS, Ernest R. Coutermarsh, over a period of thirty-six years, did serve twelve terms in the New Hampshire House of Representatives, sitting for one term as Minority Leader, and

WHEREAS, Ernest R. Coutermarsh was a native and life-long resident of New Hampshire, and did serve constituencies in the communities of Lebanon and Nashua, and

WHEREAS, Ernest R. Coutermarsh was active in public life as chairman of the National Legislative Conference, as a member of the State Aeronautics Commission, as Grafton County Democratic Chairman, and vigorously worked in the presidential campaigns for John F. Kennedy and Lyndon B. Johnson, and

WHEREAS, Ernest R. Coutermarsh did serve his hometown of Lebanon as Town Moderator, as Water Commissioner and as City Councilor, and

WHEREAS, Ernest R. Coutermarsh did serve honorably with the United States Marines during World War II, and did have a long career with the Boston & Maine Railroad, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Ernest R. Coutermarsh be granted highest praise and recognition for his dedicated and exemplary service to the cities of Lebanon and Nashua, and to his country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Declaration be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer

COMMUNICATION

February 9, 1994

James Chandler, House Clerk

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Anne Coughlin, d, Concord (153 Broadcove Dr.) 03303, Merr 16.

Elizabeth Hager, r, Concord (5 Auburn St.) 03301, Merr 18.

Jane O'Hearn, r, Nashua (7 Pope Circle) 03063, Hills 26.

William M. Gardner, Secretary of State

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 33, 90, 165, 503, 515, 521, 528, 530, 533, 537, 541, 543, 548, 549, 552, 553, 564 through 566, 578, 579, 586, 587, 590, 596, 597, 598, 606, 612, 613, 617, 618, 622, 630, 634, 638, 653, 654, 656, 686, 690, 695, 707, 714, 719, 726, 727, 734, 750, 751, 768, 781, 785, 793, 804 and Senate Concurrent Resolution numbered 10, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS and SCR

First, second reading referral

SB 33, relative to licensing of certified public accountants. (Commerce, Small Business & Consumer Affairs)

SB 90, relative to child support enforcement and child support payments. (Children, Youth and Juvenile Justice)

SB 165-FN, relative to certification of landscape architects. (Executive Departments & Administration)

SB 503-FN, relative to the practice of electrology and the collection of certain fees. (Health, Human Services & Elderly Affairs)

SB 515, relative to requirements for alternate jurors. (Judiciary)

SB 521, establishing a committee to study skiing accident laws. (Judiciary)

SB 528, relative to central business service districts. (Municipal & County Government)

SB 530-L, relative to town liability for riot damage. (Judiciary)

SB 533, prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board. (Resources, Recreation & Development)

SB 537, relative to bonds issued by certain chartered towns. (Municipal & County Government)

SB 541-FN-L, allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments. (Judiciary)

SB 543-FN-A-L, requiring that the department of revenue administration conduct an annual ratio study relative to real estate assessments and sales and making an appropriation therefor. (Municipal & County Government)

SB 548-FN, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants. (Judiciary)

SB 549, relative to loans made by a bank to its executive officers, directors, or trustees. (Commerce, Small Business & Consumer Affairs)

SB 552, providing for ownership rights in dies and molds under certain conditions. (Science, Technology & Energy)

SB 553, repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake and permitting a dam to be constructed on Province Lake in the town of Effingham. (Resources, Recreation & Development)

SB 564, relative to authentication of municipal and county bonds. (Commerce, Small Business & Consumer Affairs)

SB 565-FN, relative to state contracts. (Executive Departments & Administration)

SB 566-L, relative to membership on city planning boards. (Municipal & County Government)

SB 578-L, relative to the collection of property taxes in certain municipalities. (Municipal & County Government)

SB 579-FN, relative to group II death benefits under the New Hampshire retirement system. (Executive Departments & Administration)

SB 586, relative to licensing of cats and cat identification. (Municipal & County Government)

SB 587, revising the penalty provision for carrying a weapon without a valid license. (Public Protection & Veterans Affairs)

SB 590, relative to the investment of trust funds by banks in affiliated investments. (Commerce, Small Business & Consumer Affairs)

SB 596-L, relative to property taxes on property sold to religious and charitable organizations. (Municipal & County Government)

SB 597, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard. (Judiciary)

SB 598, extending lapse dates of certain appropriations in 1993, 359 (HB 25-A). (Public Works)

SB 606, authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies. (Public Protection & Veterans Affairs)

SB 612, relative to the electricians' licensing board. Executive Departments & Administration)

SB 613, relative to administrative fines for violations of the emergency medical services law. (Health, Human Services and Elderly Affairs)

SB 617, establishing a committee to study the problem of suicide among young people. (Children, Youth & Juvenile Justice)

SB 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation." (Children, Youth & Juvenile Justice)

SB 622, changing the membership of the board of examiners of psychology and mental health practice. (Executive Departments & Administration)

SB 630, relative to the New Hampshire industrial heritage commission. (Labor, Industrial & Rehabilitative Services)

SB 634, establishing a committee to study and promote the use of non-motorized transportation. (Environment & Agriculture)

SB 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections. (Appropriations)

SB 653, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council. (Resources, Recreation & Development)

SB 654, establishing a committee to study the feasibility of instituting a statewide kindergarten program. (Education)

SB 656, repealing the chapter regarding the subversive activities act. (Judiciary)

SB 686, reclassifying a portion of Stratham Heights Road in the town of Stratham. (Public Works)

SB 690, establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees. (Education)

SB 695, relative to the financial regulation of life and health insurers. (Commerce, Small Business & Consumer Affairs)

SB 707-FN, lowering the age of eligibility for a nondriver's picture identification card. (Transportation)

SB 714, relative to personal flotation devices. (Transportation)

SB 719, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan. (Resources, Recreation & Development)

SB 726-FN, changing the title of the division for children and youth services to the division for children, youth, and families. (Children, Youth & Juvenile Justice)

SB 727-FN, extending the driver attitude training program. (Transportation)

SB 734-FN, relative to fireworks. (Public Protection & Veterans Affairs)

SB 750-FN, relative to the medical examiner and establishing a committee to study the office of the medical examiner. (Executive Departments & Administration)

SB 751-FN, deleting the restriction on the number of hours which part-time assistant attorneys general may work. (Executive Departments & Administration)

SB 768-FN, relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways. (Science, Technology & Energy)

SB 781-A, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated. (Public Works)

SB 785, establishing a committee to review the current procedures of the central registry in the department of health and human services. (Health, Human Services & Elderly Affairs)

SB 793-A, relative to the Pease development authority and making an appropriation therefor. (Appropriations)

SB 804, establishing a committee to study delinquent property taxes owed by condominium unit owners. (Commerce, Small Business & Consumer Affairs)

SCR 10, to request Congress to allow all states east of the 100th meridian to regulate the export of unprocessed logs. (State-Federal Relations)

SENATE MESSAGES

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 288, relative to teacher representation on the New Hampshire retirement system board of trustees.

The President appointed Sens. Currier, Baldizar and Pignatelli.

NONCONCURRENCE

HB 167, clarifying circumstances under which a person is justified in using deadly force.

HB 382, changing the annual rate of interest on judgments and business transactions.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1243, requiring "johns" to publish their convictions in local newspapers, was removed at the request of Rep. Nardi.

HB 1522-FN, to establish the department of the state law library, was removed at the request of Rep. Hemon.

SB 43, relative to the state board of auctioneers, was removed at the request of Rep. Sallada.

HB 1386-FN, relative to appointment and payment for guardians ad litem and instituting a process for handling complaints regarding the guardian ad litem system, was removed at the request of Rep. Hemon.

HB 1489-FN, requiring state courts to furnish copies of rules, laws, and cases cited in rulings and opinions to the parties involved; and requiring that supreme court rules be adopted in accordance with the public notice and hearing requirements of RSA 541-A, was removed at the request of Rep. Hemon.

HB 1521-FN, restricting the courts' penalties for civil and criminal contempt, was removed at the request of Rep. Hemon.

HB 1127, requiring timely mailing of payments or remittances relating to tax liens and tax sales, tax lien and tax sale redemptions, and payments of subsequent taxes, was removed at the request of Rep. William Riley.

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments, was removed at the request of Rep. Lozeau.

Consent Calendar adopted.

HB 656-FN, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joanne A. O'Rourke for Appropriations: The amendment removes Group II firefighters from consideration of extended disability retirement benefits at their request. The bill, therefore, affects only Group II permanent police members. The firefighters' special account cannot fund both a COLA and this benefit and the COLA is their first priority. Vote 21-0.

Amendment (4926B)

Amend the title of the bill by replacing it with the following:

AN ACT

to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991.

Amend the bill by replacing all after the enacting clause with the following:

1 Method of Financing Medical Benefits for Group II Permanent Policemen Members. Amend RSA 100-A:53, II to read as follows:

II. The special account established in RSA 100-A:16, II(h), for group II members, shall be augmented as of July 1, 1988 by \$23,700,000 resulting from a one-time write-up of the valuation assets as of June 30, 1987. At the end of each fiscal year beginning with the year ending June 30, 1989, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the benefits provided through the subtrust are fully funded or until *the* total accumulated reimbursement equals [\$52,800,000] *the sum of*:

(a) The initial special account amount as of June 30, 1988, of \$52,800,000;

(b) *The additional special account amount as of June 30, 1993, of \$1,200,000 to provide benefits under RSA 100-A:52 for persons who are group II permanent policemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, 1991; and*

(c) [plus] Future accumulated interest per year on the balance of the reimbursement funds remaining in the special account.

2 Medical Benefits Extended for Permanent Policemen Members. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 1988, *and to persons who are group II permanent policemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, 1991.* Such additional

benefits shall not apply to *other* persons who become members of group II after June 30, 1988, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

3 Effective Date. This act shall take effect June 30, 1994.

AMENDED ANALYSIS

This bill extends medical benefits under RSA 100-A:52 to group II permanent police-men members on disability retirement as a result of injuries suffered while in the performance of duty who became permanent policemen members of the New Hampshire retirement system after June 30, 1988, but before July 1, 1991.

The bill also provides a method of financing the medical benefits for these group II members.

HB 1573, relative to the confidentiality of proceedings for guardianship of a minor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carol H. Holden for Children, Youth and Juvenile Justice: HB 1573 as amended returns the wording of the original subsection (II), i.e. "Records, reports, and evidence submitted to the court or recorded by the court shall be confidential insofar as they relate to personal history or circumstances of the minor and his family." The justices and registrars of probate support this change. Vote 14-0.

Amendment (4794B)

Amend the bill by replacing all after the enacting clause with the following:

1 Confidentiality of Proceedings. RSA 463:7-a, II is repealed and reenacted to read as follows:

463:7-a Confidentiality of Proceedings.

II. Records, reports, and evidence submitted to the court or recorded by the court shall be confidential insofar as they relate to the personal history or circumstances of the minor and the minor's family.

2 Effective Date. This act shall take effect upon its passage.

HR 41, recognizing July 28, 1994 as Parents' Day. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Children, Youth and Juvenile Justice: This resolution was found to be unnecessary as it was reported that the Governor will be signing a proclamation designating July 28, 1994 Parents' Day. Vote 13-0.

HB 1117, relative to new motor vehicle arbitration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: There are several technical changes to the new motor vehicle Arbitration Board. This bill will require that the board must respond and hold a hearing for a complaint within 40 days and must issue a decision within 30 days of a hearing. Vote 14-1.

Amendment (5017B)

Amend the bill by replacing section 2 with the following:

2 Definition Changed. RSA 357-D:2, XIII is repealed and reenacted to read as follows:

XIII. "New motor vehicle," for the purposes of this section, means a passenger motor vehicle which is still under the manufacturer's express warranty.

Amend the bill by replacing sections 4 and 5 with the following:

4 Board Member Added. Amend RSA 357-D:5, 1 to read as follows:

1. There is created a New Hampshire new motor vehicle arbitration board consisting of 5 members and [2] 3 alternate members to be appointed by the governor and council. Terms of members shall be for 3 years. Board members may be appointed for no more than 2 terms. One member *and one alternate* of the board shall be [a] new car [dealer] *dealers* in New Hampshire, one member and one alternate shall be persons knowledgeable in automobile mechanics, and 3 members and one alternate shall be persons who represent consumers and

have no direct involvement in the design, manufacture, distributions, sales or service of motor vehicles or their parts. Three members of the board shall constitute a quorum. Members shall be paid \$50 per diem plus mileage.

5 Hearing. Amend RSA 357-D:5, IV to read as follows:

IV. The board shall [render a decision] ***hold a hearing*** within 40 days of receipt of a complaint, unless an extension of time has been granted by the board under RSA 357-D:4, IV, ***and shall render a decision within 30 days of the conclusion of a hearing*** [and]. ***The board*** shall have the authority to issue only damages as are provided by this chapter.

Amend the bill by replacing all after section 6 with the following:

7 New Section; Limitation on Actions. Amend RSA 357-D by inserting after section 10 the following new section:

357-D:11 Limitations on Actions.

I. Any proceeding initiated under the provisions of this chapter shall be commenced within one year following the later of:

(a) The expiration of the express warranty term; or

(b) The manufacturer's final repair attempt of the nonconformity, as provided in RSA 357-D:4, V which gave rise to the consumer's request that the vehicle be replaced or the money refunded.

II. Nothing in this chapter shall in any way limit the rights or remedies which are otherwise available to a consumer under any other provision of law.

8 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill:

(1) Further defines "motor vehicle" and redefines "new motor vehicle."

(2) Requires the motor vehicle arbitration board to hold a hearing within 40 days of receiving a complaint and to render a decision upon a complaint within 30 days after the conclusion of the hearing.

(3) Requires any appeal of a decision of the board to be filed with the superior court within 30 days of the date of the written board decision.

(4) Requires any proceeding initiated for the sale of a defective vehicle to begin within one year following the expiration of the express warranty term or the manufacturer's final repair attempt of the nonconformity which gave rise to the consumer's request that the vehicle be replaced or the money refunded.

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill requires a manufactured housing park owner who is requested to sign a deed to sign the deed no later than 15 days after requested. Vote 16-0.

Amendment (4793B)

Amend RSA 477:44, V as inserted by section 1 of the bill by replacing it with the following:

V. Any manufactured housing park owner required to sign a deed under this section shall sign the deed no later than 15 days after the new tenant is approved and the park owner is requested to do so. The tenant shall deliver the deed to the manufactured housing park owner's place of business for signature. The fee for any such signature on a deed shall not exceed \$25 and shall be paid by the tenant.

AMENDED ANALYSIS

This bill requires a manufactured housing park owner who is requested to sign a manufactured housing warranty deed to sign the deed no later than 15 days after the new tenant is approved. The bill also limits the fee for such a signature to no more than \$25; which fee is to be paid by the tenant.

HB 1269-FN-L, licensing operators of manufactured housing parks and relative to fees for such licensure. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: HB 1269-FN-L does not do what the sponsor said she wanted it to do. The way it is written it is not solving any problems that the local municipalities cannot already address. Vote 15-0.

HB 1126, making an assault upon a peace officer a class B felony. INEXPEDIENT TO LEGISLATE

Rep. Vivian R. Clark for Corrections and Criminal Justice: Assault on a police officer was made the basis for an extended sentence only two years ago. This bill would have marginally increased current penalties. The committee felt that the change was unnecessary. Vote 12-0.

HB 1536-FN, authorizing the court to issue emergency temporary orders telephonically. OUGHT TO PASS WITH AMENDMENT

Rep. Frederick B. Andrews for Corrections and Criminal Justice: The committee unanimously supported HB 1536-FN. This bill will offer much needed protection to the victims of domestic violence by expediting the communications of the court in a timely manner. Vote 12-0.

Amendment (5072B)

Amend the bill by replacing section 1 with the following:

1 Telephonic Transmission of Emergency Temporary Orders Authorized. Amend the introductory paragraph of RSA 173-B:6 to read as follows:

Upon a showing of an immediate and present danger of abuse, the court may enter such temporary orders as it deems necessary to protect the plaintiff with or without actual notice to defendant. *The court may issue such temporary orders by telephone or facsimile during times other than regular court business hours. Such telephonically issued orders may be made by a district or superior court judge to a law enforcement officer, and shall be valid in any jurisdiction in the state and shall be effective until the close of the next regular court business day. Such order shall be returnable to the district court where the plaintiff resides or has fled to, unless otherwise ordered by the issuing justice.* If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing thereon. Such hearing shall be held no later than 5 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-B:3, IV. Such temporary relief may include:

HB 1540, permitting the state to commit certain persons convicted of sexually violent crimes for psychiatric treatment after they have completed their sentence. REFER FOR INTERIM STUDY

Rep. William V. Knowles for Corrections and Criminal Justice: Under current statute, a sexually violent offender is released to the community after having completed his or her sentence. Under this proposed legislation, a sexually violent offender can be civilly committed to the psychiatric unit of a correctional facility until deemed safe to re-enter society. The State must prove beyond a reasonable doubt the person is a sexually violent offender who suffers from a mental abnormality or a personality disorder which makes the person likely to engage in predatory acts of sexual violence. The legislation is complex and the committee would like to refer the bill for Interim Study to explore financial and constitutional questions. Vote 10-0.

HB 1184-FN, allowing towns which contract with other school districts for their resident high school students to be exempt from paying the tuition costs for foreign exchange students. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. McKinley for Education: Foreign exchange students present a unique financial burden on local districts. This bill, as revised, will form a committee to study present and anticipated conditions to permit a better understanding of this situation and make recommendations. Vote 12-0.

Amendment (4919B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the foreign exchange student programs in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Foreign Exchange Student Programs Study Committee Established; Membership. There is established a committee to study foreign exchange student programs in New Hampshire which shall consist of the following members:

- I. Two members of the house education committee, appointed by the speaker of the house.
- II. Two members of the senate education committee, appointed by the senate president.
- III. The commissioner of education, or designee.
- IV. One representative from the American Field Service Organization, appointed by that organization.
- V. One representative from A.Y.U.S.A. International, appointed by that organization.
- VI. The superintendent of a receiving district, or designee.
- VII. The superintendent of a sending district, or designee.

2 Duties; Recommendations. The committee shall:

- I. Determine the actual number of foreign exchange students attending New Hampshire public schools.
- II. Determine the actual costs of educating all foreign exchange students attending New Hampshire public schools.
- III. Determine the English language proficiency of foreign exchange students attending New Hampshire public schools.
- IV. Examine and evaluate current policies and procedures relative to foreign exchange students attending New Hampshire public schools.
- V. Make recommendations for changes in policy and procedure, and proposals for related legislation.

3 Report. The committee shall submit a report outlining its findings and recommendations, including proposed legislation, to the governor, the speaker of the house, and the president of the senate not later than November 1, 1994.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study foreign exchange student programs in New Hampshire public schools.

HB 1183-FN-L, providing a 5 percent cost of living adjustment for teacher members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen W. Ward for Executive Departments and Administration: This bill as amended will provide that each of the three teachers who retired before 1957 will receive a retirement annuity of \$10,350 per year paid by the Special Account. It also changes the date for teachers' retirement to July 1 or any year rather than June 30, to coincide with their contracts. Vote 13-0.

Amendment (5037B)

Amend the title of the bill by replacing it with the following:

AN ACT

providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members.

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement Allowance for Teachers Who Retired Prior to July 1, 1957. Notwithstanding other provisions of the law to the contrary, any teacher who retired prior to July 1, 1957, who is receiving benefits under RSA 192 on June 30, 1994, shall receive a retirement allowance which shall equal the sum of \$10,350 per year. This retirement allowance shall be effective July 1, 1994, and shall replace any retirement allowance which such teachers are receiving on the effective date of this act.

2 Funding of Retirement Allowance. The total actuarial cost of providing the allowance as provided in section 1 shall be terminally funded from the group I teacher member component of the special account created by RSA 100-A:16, II(h), as of June 30, 1994.

3 Time for Granting Cost of Living Increase for Retirement System Members. Amend 1993, 191:2 to read as follows:

191:2 Application. The first cost of living adjustment, if approved by the fiscal committee of the general court and granted under section 1 of this act, shall be effective retroactively on July 1, 1994, for New Hampshire retirement system members retired on or before [June 30] July 1, 1992.

4 Effective Date. This act shall take effect June 30, 1994.

AMENDED ANALYSIS

As of July 1, 1994, this bill grants all teachers who retired prior to July 1, 1957, a retirement allowance of \$10,350 per year. This retirement allowance replaces any retirement allowance which such teachers are currently receiving.

The bill also amends the application section for cost of living adjustments which must be approved by the fiscal committee by having the section apply to New Hampshire retirement system members retired on or before July 1, 1992, rather than on or before June 30, 1992.

Referred to Appropriations.

HB 1338, relative to hearing aid dealers and increasing the fees for persons seeking registration as hearing aid dealers. REFER FOR INTERIM STUDY

Rep. Gerald O. Gosselin for Executive Departments and Administration: The Committee felt that more work was needed to fine tune this bill so that it would come out as it should be without any further repercussions as some parts need deletion and some parts need to be added. Vote 15-0.

HB 1568-FN-L, requiring the division of public health services to test the air quality in public educational facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This bill addresses the problem of indoor air quality in tax-supported schools. It establishes a study committee to investigate and make recommendations to assure acceptable air quality. Vote 17-0.

Amendment (4982B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes that poor indoor air quality has emerged as one of the nation's leading environmental problems. Indoor air pollution can result from many causes; especially from toxic fumes from synthetic materials in tightly secured buildings, inadequate ventilation, and improper maintenance of heating and air conditioning equipment. Indoor air pollution can plague any building and, if ignored, leave people who work or live in polluted air at risk for illness, cancer and debilitating infirmities. Therefore, by this act the general court hereby seeks to address the problem of poor indoor air quality.

2 Duty Added. Amend RSA 125:9, X to read as follows:

X. *Investigate complaints of poor indoor air quality and* conduct inspections of buildings and dwellings, upon request, for the presence of radon or other *health* hazards present in indoor air[.]; *and* provide education, technical consultation, and recommendations for abatement of such health hazards in conjunction with the University of New Hampshire cooperative extension service.

3 Committee Established; Membership. There is established a committee to study the issue of indoor air pollution in public buildings. The members of the committee shall be:

I. Four members of the following house of representatives committees: one from health, human services and elderly affairs; one from education; one from environment and agriculture; and one from science, energy and technology; appointed by the speaker of the house.

II. Two members of the senate, or designees, appointed by the president of the senate.

III. The director of the division of public health services, or designee.

IV. The commissioner of education, or designee.

V. One public member, appointed by the governor.

4 Duties. The duties of the committee shall include but not be limited to the following:

I. Determine the extent of the problem of poor indoor air quality in public buildings with particular emphasis on public school buildings.

II. Determine the major causes of any problems found to exist.

III. Recommend solutions, which may include legislation, to correct such problems.

IV. Recommend possible actions to prevent such problems, including guidelines and educational outreach efforts.

5 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named house member within 30 days after the effective date of this act. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

6 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, 1994.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the division of public health services, department of health and human services, to undertake certain actions relative to indoor air quality in public facilities.

The bill also establishes a committee to study the issue of indoor air pollution.

HB 1449, relative to professional standards review organizations for physical therapists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: This bill adds the professional standards review organizations for physical therapists for the purpose of defining those persons whose liability is limited for any action made in good faith. Vote 15-0.

Amendment (4953B)

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Limitations on Liability; Physical Therapists; Professional Standards Review Organizations. Amend RSA 507:8-c, I by inserting after subparagraph (h) the following new subparagraph:

(i) In the case of physical therapists, by an agency of the federal or state government, or a political subdivision thereof, or by a society or association affiliated with the New Hampshire chapter of the American Physical Therapy Association.

HB 1455, making technical amendments to the business corporations laws and clarifying the limitation of liability of officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward M. Gordon for Judiciary: This bill makes certain changes to the Business Corporations Act that are not substantive. They simply add clarity to present law. The committee believes the approved changes are in the best interest of New Hampshire business and citizens. Vote 15-0.

Amendment (4957B)

Amend the bill by deleting section 3 and renumbering the original sections 4 and 5 to read as 3 and 4 respectively.

HB 1519, limiting any pecuniary benefit received by directors and officers of charitable trusts. **OUGHT TO PASS**

Rep. Edward M. Gordon for Judiciary: This bill limits the amount of compensation which directors or officers of charitable trusts may receive. Such trusts are subject to supervision by the Attorney General's office. The bill protects the beneficiaries who are intended to receive the proceeds of such trusts. Vote 12-1.

HB 1560-FN, permitting termination of marriages by agreement without court approval, and requiring binding arbitration of all marital disputes based upon irreconcilable differences. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah L. Woods for Judiciary: Various methods of alternative dispute resolution are currently available for parties wishing to utilize them for the purpose of resolving issues in a divorce. Further, the marital master process has proved to be an efficient way to handle domestic cases. Vote 14-0.

HB 1323-FN, requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul R. Perkins for Labor, Industrial and Rehabilitative Services: The committee believes that this bill will ensure that quality vocational rehabilitation services are provided to workers' compensation injured workers. Vote 12-0.

Amendment (4867B)

Amendment No. 1

Amend RSA 281-A:68 as inserted by section 2 of the bill by replacing it with the following:

281-A:68 Certification Required. After January 1, 1995, persons providing vocational rehabilitation services under RSA 281-A:25 as a vocational rehabilitation provider under this chapter shall be certified in accordance with this subdivision; except that state employees providing vocational rehabilitation services as part of the state vocational rehabilitation program established under RSA 21-N and RSA 200-C shall be certified solely in accordance with RSA 21-I:42 and rules adopted pursuant to RSA 21-I:43.

AMENDED ANALYSIS

This bill requires vocational rehabilitation providers, except those who are state employees, who provide services under RSA 281-A:25 of the workers' compensation law to be certified. The bill establishes a board to advise the commissioner on the certification process.

The bill requires the board to develop procedures which shall be adopted by the commissioner by rule for the administration of the law relating to the certificates.

Amendment (5088B)

Amendment No. II

Amend RSA 281-A:2, XIV-a as inserted by section 1 of the bill by replacing it with the following:

XIV-a. "Rehabilitation provider" as used in this chapter includes any person [or entity] *certified as a vocational rehabilitation provider under RSA 281-A:68 or RSA 281-A:69* and which operates for the purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

HB 1289-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alice Barnard Record for Judiciary: The committee was unanimous in its approval to allow each new member of the general court round-trip mileage from the member's home to the State House in Concord for each day of attendance under the conditions and rates established by RSA 14:15-a. Each member-elect is responsible, prior to the first day of the legislator's orientation program to file a statement of the distance from the member's home to the State House in Concord. Vote 11-0.

Amendment (5069B)

Amend RSA 14:15-C, II and III as inserted by section 1 of the bill by replacing them with the following:

II. Each new member of the general court shall be allowed mileage per mile of the round trip to and from the member's home to the state house in Concord for each day of attendance under the conditions and rates established by RSA 14:15-a.

III. Each new member of the general court shall, prior to or by the first day of the legislator's orientation program, furnish to the continuing committee on legislator orientation established under RSA 17-C a statement of the distance from the member's home to the state house in Concord.

HB 1167, relative to electing the county commissioners for Belknap county. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: The statutes relating to the terms and elections of Belknap County Commissioners have changed twice in the past three years. The Committee believes the present system should be allowed to operate so it can be properly assessed before new changes are proposed. Vote 15-1.

HB 1174-L, allowing the selectmen, under certain circumstances, to manage town real property. **OUGHT TO PASS**

Rep. Paula E. Bradley for Municipal and County Government: Currently there is no statute dealing with the day-to-day management of town property. Selectmen have assumed that this was part of their "prudential affairs" authority. This bill clarifies several issues which are currently unclear. Vote 16-0.

HB 1186, making a breach of confidentiality a violation of oath of office for town officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman E. Chester for Municipal and County Government: This bill fills a need to provide clarification of the mechanism to be used to remove a town officer while also making a breach of confidentiality a cause for exercising the removal process. The amendment was provided to preclude the possibility of using this procedure if the breach of confidentiality was the result of a court order. Vote 13-0.

Amendment (4838B)

Amend RSA 42:1-a as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. No town officer who is required by an order of a court to divulge information outlined in paragraph II in a legal proceeding under oath shall be guilty of a violation under this section.

HB 1206, relative to the procedure to follow when an optional elected town office is discontinued. **OUGHT TO PASS**

Rep. Joseph E. Stone for Municipal and County Government: This bill specifies that when a town votes to discontinue an optional elected office, the person holding that office at the time of the vote to discontinue it shall continue to hold office until the next annual meeting following the vote. The optional elected office shall terminate at that time, regardless of the length of the term of the person in office at the time of the vote to discontinue. Vote 16-0.

HB 1307, prohibiting a person from holding an elected or appointed municipal and county office at the same time. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Municipal and County Government: The committee feels this bill could keep many outstanding individuals from contributing their technical skills and talents to both their municipal and county governments. An example could be a County Commissioner serving on his/her community's recreation commission. Vote 16-0.

HB 1310-L, permitting municipalities to take land by eminent domain for conservation purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Paula E. Bradley for Municipal and County Government: The sponsor asked that this bill be Inexpedient to Legislate as it did not conform to the sponsors' intent. Vote 16-0.

HB 1351-L, allowing municipalities to defer interest on property tax payments assessed after a property reappraisal. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Cepaitis for Municipal and County Government: Municipalities were given this option as a result of last year's legislation which became Chapter 86 of the Laws of 1993. Therefore, this legislation is unnecessary. Vote 14-0.

HB 1411-L, enabling municipalities to establish geographic information systems and charge fees for their use. **OUGHT TO PASS**

Rep. Linda T. Foster for Municipal and County Government: The passage of this bill will enable those municipalities which employ this very expensive technology to recoup some of their costs. It also will allow them to distribute information based on the right-to-know law. Vote 16-1.

HB 1415-L, relative to approval of the goals and future conditions section of the master plan by the local legislative body. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Municipal and County Government: This bill deals with the problem of a community obtaining public involvement in setting goals for its Master Plan. Lacking widespread input, the planning board may produce a plan and supporting ordinances at odds with real goals. Enabling community planning boards to place their goals on the town meeting will ensure wider participation. Vote 14-0.

Amendment (5074B)

Amend the bill by replacing section 3 with the following:

3 Master Plan Adoption and Amendment; Approval by Local Legislative Body. Amend RSA 674:4 to read as follows:

674:4 Master Plan Adoption and Amendment. The planning board [may, according to], *prior to adoption or amendment of any section of the master plan listed in RSA 674:2, II-IX in accordance with the procedures required under RSA 675:6, II, may submit the section of the master plan listed in RSA 674:2, I to the local legislative body for approval in accordance with the procedures required under RSA 675:6, V. The planning board may adopt the sections of master plan listed in RSA 674:2, II-IX as a whole, or may adopt successive sections or parts of the plan. Sections or parts of the plan shall correspond with major geographical sections or divisions of the municipality, or with the functional elements of the plan, and may incorporate any amendment, extension, or addition to the plan.*

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Method of Adoption of Master Plan. Amend RSA 675:6 by inserting after paragraph IV the following new paragraph:

V. Upon completion of the section of the master plan listed in RSA 674:2, I, the planning board may submit that section to the selectmen for inclusion on the warrant for the annual town meeting in the case of a town. In the case of a city, the planning board may submit that section to the appropriate local legislative body. Failure to gain approval of this section from the town meeting or from the local legislative body of the city shall not invalidate the existing master plan. The planning board may continue to work on the goals statement and resubmit the document to subsequent town meetings or to the local legislative body of the city for approval.

AMENDED ANALYSIS

This bill changes the procedure for adopting and amending master plans by:

- (1) Amending the general statement section of the master plan.
- (2) Requiring the planning board to solicit public involvement and participation.
- (3) Allowing, but not requiring, the planning board, prior to adoption or amendment of the remaining sections of the master plan, to submit the section of the master plan dealing with the goals and future conditions which the plan is designed to achieve to the local legislative body for approval.

HB 1422-FN-L, relative to the dog control laws and the portion of the dog license fee retained by municipalities. **OUGHT TO PASS**

Rep. Joseph E. Stone for Municipal and County Government: The testimony heard by the committee was very supportive and helped to clarify the requirements needed relative to dog control laws. The committee was impressed with the manner in which all parties were able to meet together and bring favorable legislation addressing the issue of dog control. Vote 15-0.

HB 1474-L, allowing towns to maintain class VI highways. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Perry for Municipal and County Government: This bill clears up a cloudy area in the statutes regarding Class VI highways and private ways. This bill allows expenditures of town funds on Class VI highways following certain procedures spelled out in the bill. The bill also allows the creation of a capital fund for the projects. Vote 13-1.

Amendment (5070B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing towns to maintain emergency lanes on
class VI highways and private ways.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Emergency Lanes on Class VI Highways and Private Ways. Amend RSA 231 by inserting after section 59 the following new section:

231:59-a Emergency Lanes.

I. Notwithstanding RSA 231:59 or any other provision of law, a town may raise and appropriate, and the selectmen may expend, money for the repair of any class VI highway or private way which as been declared an emergency lane under paragraph II. Such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by fire fighting equipment and rescue or other emergency vehicles. A capital reserve fund under RSA 35 or a trust fund under RSA 31:19-a may be established for this purpose.

II. No expenditures shall be made under paragraph I unless the selectmen, following a public hearing, declare the relevant class VI highway, private way, or portion thereof, as an emergency lane, and make written findings, recorded in the minutes of the meeting, that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane.

III. In the case of a private way, notice shall be mailed to all persons known to have a legal interest in the way, 10 days prior to the hearing, and the emergency lane shall not be declared if permission is denied by any person with a legal right to deny such permission. Neither the appearance nor non-appearance of such persons at the hearing shall prevent such permission from later being denied or withdrawn.

IV. A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance. This section shall not be deemed to alter the classification or legal status of any highway or private way, or to limit or restrict the authority of towns to regulate the use of class VI highways pursuant to such statutes as RSA 41:11, RSA 236:9-13, and RSA 674:41, or to authorize any person to pass over any private way when permission has been denied. This section shall not be deemed to alter the duties or powers of any party under RSA 224 concerning forest fires.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows towns to maintain emergency lanes on class VI highways and private ways to allow passage of fire fighting equipment and rescue or other emergency vehicles.

HB 1526, allowing municipalities to appropriate funds to maintain certain municipal roads. INEXPEDIENT TO LEGISLATE

Rep. Richard Noyes for Municipal and County Government: The intent of this bill is accomplished by another piece of legislation, HB 1474. Vote 14-0.

HB 1556-FN-L, establishing the position of fiscal officer for Rockingham county. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Municipal and County Government: The Rockingham County delegation and commissioners cooperated to create a Fiscal Officer position. The position was necessary because of lack of Generally Accepted Accounting Procedures in the county. This bill protects the position from arbitrary changes by staff, and ensures that all officials in the county understand its scope. Vote 14-0.

Amendment (5075B)

Amend the bill by replacing section 1 with the following:

1 New Section; Rockingham County Fiscal Officer. Amend RSA 23 by inserting after section 8 the following new section:

23:8-a Rockingham County Fiscal Officer. There is established for Rockingham county the position of fiscal officer. The Rockingham county fiscal officer shall be the director of financial information systems and reporting for all county offices run by elected or appointed officials. The fiscal officer shall be responsible for administrative and financial functions which shall include budgeting, preauditing, accounting, and financial reporting and analysis. The county commissioners shall adopt rules relative to the minimum education, certification, and experience requirements, and the duties and the responsibilities, for the Rockingham county fiscal officer. Such rules shall require the approval of the executive committee of the county convention.

AMENDED ANALYSIS

This bill establishes the position of fiscal officer for Rockingham county. The fiscal officer is the director of financial information systems and reporting for all county offices run by elected or appointed officials.

HB 1178, relative to licenses to carry loaded pistols and revolvers. REFER FOR INTERIM STUDY

Rep. Bruce Hunter for Public Protection and Veterans Affairs: This bill provides that any person who has held a valid license to carry a loaded pistol or revolver for at least six consecutive years may apply for a permit to carry that shall be valid unless revoked for just cause. Testimony from the public was favorable. Questions about the issuing authority, whether State or Local, prompted a motion to study the matter further. Vote 14-0.

HB 1236, prohibiting the use of chemical self-defense spray against a peace officer or in the course of committing a crime. OUGHT TO PASS WITH AMENDMENT

Rep. Bruce F. Hunter for Public Protection and Veterans Affairs: HB 1236 makes any person who uses an aerosol self-defense spray on a law enforcement officer or any other person with intent to commit a crime punishable as a misdemeanor or a felony guilty of a misdemeanor or a felony, respectively. The amendment changes "OC pepper spray" to read "aerosol self-defense spray" so as to include other types of self-defense items. Vote 14-0.

Amendment (4877B)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting the use of aerosol self-defense spray weapons against a law enforcement officer or in the course of committing a crime.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision Heading. The subdivision heading preceding RSA 159:20 is repealed and reenacted to read as follows:

Self-Defense Weapons

2 Definitions; Definition Added. Amend RSA 159:20 to read as follows:

159:20 [Electronic] *Self-Defense Weapons* Defined. In this subdivision:

I. "Electronic defense weapon" means an electronically activated non-lethal device which is designed for or capable of producing an electrical charge of sufficient magnitude to immobilize or incapacitate a person temporarily.

II. "Aerosol self-defense spray weapon" means any aerosol self-defense spray weapon which is designed to immobilize or incapacitate a person temporarily.

3 Criminal Use; References Added. Amend the section heading of RSA 159:23 and RSA 159:23, I and II to read as follows:

159:23 Criminal Use of Electronic Defense *or Aerosol Self-Defense Spray Weapons*.

1. Any person who uses an electronic defense *or aerosol self-defense spray* weapon on a law enforcement officer or another person with intent to commit a crime punishable as a misdemeanor shall be guilty of a misdemeanor.

II. Any person who uses an electronic defense *or aerosol self-defense spray* weapon on a law enforcement officer or another person with intent to commit a crime punishable as a felony shall be guilty of a class B felony.

4 Effective Date. This act shall take effect July 1, 1995.

AMENDED ANALYSIS

This bill prohibits the use of self-defense spray against a law enforcement officer or any other person in the course of committing a crime.

HB 1505-FN, allowing persons other than police officers to attend courses given by the police standards and training council and to become certified to be municipal or county police officers. REFER FOR INTERIM STUDY

Rep. John W. Flanders, Sr. for Public Protection and Veterans Affairs: The Police Standards and Training Council indicated it has the authority to allow this now, but has not created the policy to admit this type of candidate. The committee voted to study the issue further and to discuss the matter with the Council. Vote 12-2.

HCR 27, encouraging federal legislation to recognize atomic veterans. OUGHT TO PASS

Rep. Dennis H. Fields for Public Protection and Veterans Affairs: HCR 27 calls attention to the veterans who participated in various atomic testing programs and, as a result, were exposed to varying levels of radiation. The resolution asks that the federal government recognize the contributions of these military veterans and further asks that the U.S. Congress propose and/or support legislation granting service-connected medical and disability benefits to those suffering from the exposure of radiation resulting from their proximity to test sites during and after such testing. H.R. 3313 has passed the U.S. House, on November 16, 1993, and is now in the U.S. Senate. This federal legislation amends Title 38 of the United States Code to improve healthcare services to veterans who were exposed to ionizing radiation or Agent Orange. This resolution merely supports actions taken in the U.S. House and actions pending in the U.S. Senate. Vote 11-0.

HB 1231, requiring the state of New Hampshire to designate an area on the statehouse grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine D. Rogers for Public Works: As amended, the bill requires the state to designate an area on the Police Standards and Training Academy grounds for a law enforcement memorial and establishes a committee to oversee the design and construction of the memorial. All money for planning, design and construction of the memorial will be privately raised by the law enforcement community. The moneys will be placed in a special non-lapsing account in the state treasury. Vote 16-0.

Amendment (4972B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Law Enforcement Memorial. Amend RSA 4 by inserting after section 9 the following new sections:

4:9-a Law Enforcement Memorial.

I. Notwithstanding any other provision of law to the contrary, there shall be situated on the police standards and training academy grounds a memorial to commemorate the New Hampshire law enforcement community. The governor is authorized to accept in the name of the state the law enforcement memorial as a private gift upon its completion.

II.(a) The director of the division of plant and property management, subject to the direction and supervision of the commissioner of administrative services, shall act as the custodian of the law enforcement memorial, and shall have charge of all matters relating to the care, maintenance, and repair of, and additions to, the memorial.

(b) The director of the division of plant and property management, subject to the direction and supervision of the commissioner of administrative services, shall administer and disburse to the committee established in RSA 4:9-b the moneys in the special account established under RSA 4:9-b. No money shall be disbursed until the governor and council approve and award the contract for the construction of the law enforcement memorial.

4:9-b Committee Established; Special Account.

I. A committee is established to select the design for a law enforcement memorial, to oversee the construction of the memorial, to privately raise all the funds which shall be necessary for its construction, and to expend the funds which are raised. The governor is authorized to accept for the committee, in the name of the state, the gifts of money which are donated to construct the memorial.

II. The gifts of money which are donated to construct the memorial shall be placed in a special nonlapsing account in the state treasury, to be expended solely for the purposes of the law enforcement memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, and repair of, and additions to, the memorial.

III. The committee shall remain in existence upon the completion of the law enforcement memorial for the purpose of approving any changes in the memorial, such as the addition of names to the memorial. Any changes in the memorial shall be made under the supervision of the director of the division of plan and property management, according to the provisions of RSA 4:9-a, II.

4:9-c Committee Membership.

I. The members of the committee established in RSA 4:9-b of this act shall be as follows:

- (a) Two members appointed by the New Hampshire Association of Chiefs of Police, one of whom shall represent a city, and one of whom shall represent a town.
- (b) Two members appointed by the New Hampshire Police Association.
- (c) One member appointed by the New Hampshire Sheriffs' Association.
- (d) The executive director of the fish and game department, or designee.
- (e) The commissioner of safety, or designee.
- (f) The attorney general, or designee.
- (g) The commissioner of cultural affairs, or designee.
- (h) The commissioner of administrative services, or designee.
- (i) One member of the house of representatives, appointed by the speaker of the house.
- (j) One member of the senate, appointed by the president of the senate.
- (k) One member appointed by the governor, who shall be a member of a family of a law enforcement officer killed in the line of duty.

II. The members of the committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the attorney general. Seven members of the committee shall constitute a quorum.

4:9-d Duties of the Committee. The duties of the committee established in section 2 of this act shall be as follows:

I. The committee shall select the design for the law enforcement memorial.

II.(a) The committee shall oversee the construction of the law enforcement memorial.

(b) The governor and council shall approve and award the contract for the construction of the law enforcement memorial. No construction shall begin until the governor and council act under this subparagraph.

III. The committee shall advise and inform the city manager of Concord or designee relative to the design and construction plans for the memorial.

IV. The committee, through the New Hampshire law enforcement community, shall privately raise all the money necessary for the planning, design, and construction of the law enforcement memorial. The committee shall have the authority to expend the money which is raised.

2 Initial Report. The committee established in section 1 of this act shall complete its design selection duties no later than July 1, 1995. At that time, it shall issue an initial report to the governor, the senate president, and the speaker of the house of representatives. This report shall include a proposed time-table for the construction phase of the law enforcement memorial.

3 New Subparagraph; Law Enforcement Memorial Special Account. Amend RSA 6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) Moneys received under RSA 4:9-b for the design, construction and maintenance of a law enforcement memorial, which shall be credited to the special account established in that section.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that a memorial to commemorate the New Hampshire law enforcement community shall be situated on the police standards and training academy grounds.

The bill establishes a committee to select the design for the law enforcement memorial and to oversee its construction. The governor and council must approve and award the construction contract.

All the money necessary for the planning, design, and construction of the memorial is to be privately raised, through the efforts of the law enforcement community. The moneys are placed in a special nonlapsing account in the state treasury.

The committee must select the design for the memorial no later than July 1, 1995. At that time, it shall also issue a proposed timetable for the construction phase of the law enforcement memorial.

HB 1348-A, authorizing the expansion of the Spaulding turnpike over Little Bay from bonds previously authorized. REFER FOR INTERIM STUDY

Rep. Terence R. Pfaff for Public Works: Testimony from the Department of Transportation indicated that the area of the Spaulding Turnpike discussed in this bill is part of a larger study already ongoing and approximately one-third completed. The Committee felt the project worthwhile, but recommends interim study so the larger picture may be viewed. Vote 17-0.

HB 1272-FN, requiring the pari-mutuel commission to pay for laboratory urine tests from a special escrow account. OUGHT TO PASS WITH AMENDMENT

Rep. Henry F. Stapleton for Regulated Revenues: The bill places a cap on reimbursement of costs associated with laboratory testing. All tracks concerned with the bill were in agreement and the committee felt this bill was fair to all. Vote 18-0.

Amendment (5012B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Costs of Laboratory Tests. Amend RSA 284:20-e by inserting after paragraph II the following new paragraph:

III. In the event that a licensee elects to increase the applicable commission on all other pools as provided in RSA 284:22, above the applicable minimum commission of either 25 percent or 26 percent, then the maximum liability of such licensee for reimbursement of the costs associated with laboratory testing under RSA 284:20-e, I, shall be the lesser of:

(a) The actual costs, including indirect costs, of each laboratory test conducted by the commission; or

(b) The amount of the commission on all other pools in excess of the applicable minimum commission set forth in RSA 284:22. In the event that a licensee elects to maintain the commission on all other pools at the applicable minimum commission set forth in RSA 284:22, then such licensee shall be liable for the actual costs as determined under RSA 284:20-e, I and RSA 284:20-e, II.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes a cap on reimbursement of costs associated with laboratory urine tests of licensees subject to regulation by the pari-mutuel commission under RSA 284:20-e.

Referred to Appropriations.

HB 1547-FN, relative to privatization of liquor sales and license fees. INEXPEDIENT TO LEGISLATE

Rep. Robert N. Kelley for Regulated Revenues: The question of privatizing state retail liquor operations has been a question for several legislative sessions. HB 1547 espoused several innovative concepts but the committee felt the results of an ongoing evaluation of the

entire liquor operations should be considered as well, before any action concerning the privatizing of retail operations. The financial impact was unknown. Vote 17-1.

HB 1494-FN, relative to the notification requirements for parties affected by certain major water projects. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Laflam for Resources, Recreation and Development: Although the bill was well received by all committee members and hearing attendees, it was found to be difficult for DES to manage. The concept of downstream communities or common waterbody communities as abutters, vis-a-vis major water projects, challenged all concerned. The sponsor volunteered to work further with DES to improve the community notification process and consider any need for future legislation. Vote 15-0.

HB 1220, requiring utility companies to connect service in a property owner's name during certain months. **INEXPEDIENT TO LEGISLATE**

Rep. Richard L. Cogswell for Science, Technology and Energy: The sponsor has acknowledged the Public Utilities Commission is now doing what the bill intended. A letter will be sent by the Committee to the Commission delineating the issues raised and requesting appropriate action. Vote 11-0.

HB 1242, establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire. **OUGHT TO PASS**

Rep. David B. Holt for Science, Technology and Energy: The Federal Government now appears to be serious about encouraging conversion to the metric system, and the passage of the NAFTA agreement gives more impetus to New Hampshire taking action at this time. Vote 11-0.

HB 1380-L, prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations. **OUGHT TO PASS**

Rep. David B. Holt for Science, Technology and Energy: Amateur radio antennas are not permanent structures and, therefore, should not be taxed as real estate. Furthermore, the amateur radio operators in New Hampshire are an integral part of the New Hampshire Emergency Network and deserve special consideration. There was no opposition presented to the committee. Vote 11-0.

HB 1414, prohibiting discrimination by public utilities. **INEXPEDIENT TO LEGISLATE**

Rep. Clifton C. Below for Science, Technology and Energy: The Committee found this bill unnecessary because RSA 378:10, dating from 1911, already prohibits any public utility from subjecting any person to any undue or unreasonable prejudice or disadvantage in any respect whatever. Vote 11-0.

HB 1575-FN, requiring the public utilities commission to investigate the concerns of residents of the town of Goffstown served by the Dunbarton Telephone Company. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Science, Technology and Energy: Having studied the issues raised by the bill, the committee believes that ongoing PUC dockets will address these problems. A letter will be sent to the PUC delineating the issues enumerated in the bill and requesting that action be taken to address them. Vote 11-0.

HB 1214-FN, relative to driver safety at highway construction sites. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gordon E. Bartlett for Transportation: This is a pure safety act to insure protection for construction workers on highway projects. Both the Department of Transportation and the Association of General Contractors testified in favor of the bill. No one spoke in opposition. Vote 14-0.

Amendment (4944B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Operation of a Motor Vehicle in Highway Construction Sites. Amend RSA 265:6-a by inserting after paragraph 11 the following new paragraphs:

III. Any moving motor vehicle offense committed in a highway construction or maintenance zone on a state or interstate highway, manned by workers, shall be a construction work zone driving offense. A person found guilty of a first offense shall be fined not less than \$250 nor more than \$500. A person found guilty of a second offense shall be fined not less than \$250 nor more than \$500 and such person's license shall be revoked for a period of 60 days.

IV. The department of transportation shall post signs notifying motorists of construction or maintenance work zones. The department may require signs notifying motorists of the increased penalties for moving violations in construction work zones.

V. It shall not be a defense to the imposition of fines authorized under this section, that the signs notifying motorists of the increased penalties for moving violations in construction or maintenance zones were improperly posted, not posted or wrongfully removed or stolen.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill:

I. Imposes a fine of \$250-\$500 for the first offense, for any person found guilty of a motor vehicle offense committed in a highway construction or maintenance zone. A person found guilty of a second offense shall be fined not less than \$250 nor more than \$500 and such person's license shall be revoked for a period of 60 days.

II. Requires the department of transportation to post signs notifying motorists of construction or maintenance work zones.

HB 1294, extending the termination date of the lifesaver I.D. pilot program and expanding the funding mechanism. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth W. Malcolm for Transportation: This bill simply extends the life of "Life-saver I.D. Pilot Program" as amended to September 30, 1995. Vote 11-1.

Amendment (4620B)

Amend the title of the bill by replacing it with the following:

AN ACT

extending the termination date of the lifesaver i.d. pilot program.

Amend the bill by deleting section 1 and renumbering sections 2 and 3 to read as 1 and 2 respectively.

AMENDED ANALYSIS

This bill extends the termination date of the lifesaver i.d. pilot program until September 30, 1995.

HB 1313-FN, requiring the department of safety to issue an automotive recycling dealer with 3 sets of number plates or as many as such person may require. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward J. Crotty for Transportation: This bill changes all references in the statutes from "Junk Dealers" to "Automotive Recycling Dealers". In addition, this bill provides that automotive recycling dealers may request as many sets of automotive recycling plates as they require. Vote 12-0.

Amendment (5078B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of safety to issue an automotive recycling dealer with as many sets of number plates or as many as such person may require.

Amend the bill by replacing section 3 with the following:

3 Additional Plates Issued Upon Request. RSA 261:127 is repealed and reenacted to read as follows:

261:127 Number of Plates. The department shall, at the time of issuing a certificate to such automotive recycling dealer, furnish such person with as many sets of number plates as such person may require.

Amend the bill by replacing sections 7 and 8 with the following:

7 Change from Motor Vehicle Junk Dealer to Automotive Recycling Dealer. Amend the following RSA provisions by replacing "motor vehicle junk dealer" with "automotive recycling dealer": RSA 261:98; RSA 261:125; RSA 261:126; RSA 261:127; RSA 261:128; RSA 261:129; RSA 261:130; RSA 261:131 and RSA 261:132.

8 Effective Date. This act shall take effect on January 1, 1995.

AMENDED ANALYSIS

This bill:

(1) Requires the department of safety to issue an automotive recycling dealer with as many sets of number plates as such person may require.

(2) Changes all references to "motor vehicle junk dealer" to "automotive recycling dealer."

HB 1360-FN, requiring that Purple Heart plates display the purple heart in its actual color and charging a fee to any person exchanging a plate not in its actual color. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: After discussion with Commissioner Richard Flynn at the Department of Safety, the determination was made that the Department could issue a sticker the proper color to cover the Purple Heart, through administrative rules. For this reason, the Committee felt that it was not necessary to enact legislation. Vote 12-0.

HB 1535-FN-L, exempting certain vessels from the state vessel registration fee and the boat fee. **OUGHT TO PASS**

Rep. David L. Richards for Transportation: The bill consolidates the registration of all vessels or motorboats within the Department of Safety and specifies the documentation required for registering commercial vessels. It provides that federally documented commercial vessels are exempt from the boat fee and other documented vessels or motorboats are exempt from the registration fee. Vote 11-0.

Referred to Appropriations.

HB 1140-FN, expanding activities permitted under special hunting licenses for persons 68 years of age or over. **REFER FOR INTERIM STUDY**

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill will allow time for a comprehensive study of fee and license structures by the Fish and Game Department and for the committee to make recommendations based on this study. Vote 10-0.

HB 1266-FN, prohibiting the seizure of property by the fish and game department unless the item is to be used as evidence. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roland J. Lefebvre for Wildlife and Marine Resources: This bill recommends a language change in the seizure of property by the Wildlife and Marine Resources Department when held and used as evidence. Committee Vote 13-0 Ought to Pass and recommend consent. Vote 13-0.

Amendment (5081B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring certain property seized by the department of fish and game to be returned if the owner reimburses the department for expenses and pays the required fine.

Amend the bill by replacing sections 1 and 2 with the following:

1 Technical Correction. Amend RSA 206:26, IX to read as follows:

IX. To seize all fishing tackle, guns, shooting and hunting paraphernalia, hunting or fishing licenses, traps, boats, decoys or other appliances used in violation of any law[,] or rule [or regulation] relating to fish, game, fur-bearing animals, or marine species when making an arrest, or found in the execution of a search warrant, and hold the same at the owner's expense until the fine and costs imposed for the violation have been paid in full;

2 Marine Species; Seizure of Property Limited. Amend RSA 211:75, IV to read as follows:

IV. To raise, lift or in any way examine any pot, trap, car or other contrivance that is set for the taking or holding of marine species and to seize all pots, traps, cars or other contrivances and the contents thereof used in violation of any law[,] or rule [or regulation] relating to marine species, and to hold the same until the fine and costs imposed for such violation have been paid in full. Provided, that in case such fine and costs are not paid within 60 days after imposition such pots, traps, cars or contrivances may be sold at public auction. Prior to such sale the department shall give notice to the owner, if known, by registered mail; otherwise a notice shall be published once in a newspaper of general circulation in the state, giving the time and place of such sale. If the owner shall appear and shall pay the fines and costs and shall reimburse said department for expenses incurred in connection therewith, the property [may] *shall* be delivered to [him] *the owner*; otherwise the same shall be sold and the proceeds of such sale shall be for the use of the department.

AMENDED ANALYSIS

This bill requires the department of fish and game to return certain property seized to the owner upon payment of the required fine, costs and expense reimbursement to the department.

HB 1274-FN, changing the name of the department of fish and game to the department of wildlife and marine resources. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda A. Smith for Wildlife and Marine Resources: This bill, as amended, will establish a committee to examine the impact of changing the name of the Department of Fish and Game to the Department of Wildlife and Marine Resources. Vote 10-0.

Amendment (4981B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to examine the impact of changing the name
of the department of fish and game to the department
of wildlife and marine resources.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to examine the impact of changing the name of the department of fish and game to the department of wildlife and marine resources. The committee is authorized to conduct surveys to determine public input.

2 Membership. The committee shall consist of the following members:

I. Two house members, one of whom shall be a member of the house wildlife and marine resources committee and who shall serve as chairperson, appointed by the speaker of the house.

II. One member of the fish and game commission, appointed by the commission.

III. The executive director of the department of fish and game, or designee.

IV. One senator from the senate wildlife and recreation committee, appointed by the senate president.

V. One public member, appointed by the governor.

VI. One person representing the New Hampshire Wildlife Federation, appointed by the federation.

3 Meetings. The committee shall conduct at least 3 public hearings in different areas of the state.

4 Report. the committee shall submit a report of its findings including recommendations for legislation to the speaker of the house, senate president and governor no later than November 1, 1994.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to examine the impact of changing the name of the department of fish and game to the department of wildlife and marine resources.

HB 1284, increasing the penalties for illegal moose hunting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda A. Smith for Wildlife and Marine Resources: The Committee addressed the issue of illegal taking or possessing certain game by increasing restitution fees. Rep. Loren Jean presented testimony expressing his concern specifically relating to the illegal/taking possession of moose. This bill will be effective upon passage. Vote 10-0.

Amendment (4933B)

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the restitution amount for illegally taking
or possessing certain game.

Amend the bill by replacing all after the enacting clause with the following:

1 Illegal Hunting; Restitution; Penalty Increased. Amend RSA 207:55, I(a) to read as follows:

(a) Marten, moose and bear: [\$500] **\$1,000** per animal illegally taken or illegally possessed.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the restitution amount for illegally taking or possessing marten, moose or bear.

HB 1434-FN, establishing a special season and setting license fees for handgun hunting. INEXPEDIENT TO LEGISLATE

Rep. Ervin R. Lachut for Wildlife and Marine Resources: Handguns can and are used in the regular rifle season. Therefore, this bill is not necessary. Vote 9-1.

HB 1439, establishing license and license fee requirements for the taking of sea urchins. OUGHT TO PASS WITH AMENDMENT

Rep. Linda A. Smith for Wildlife and Marine Resources: This bill, as amended, subjects the taking of sea urchins to certain license and fee requirements. The amended language prohibits helpers when the method of take is "by diving." More importantly, the amendment provides reciprocity language relative to non-residents Vote 10-0.

Amendment (5001B)

Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4, respectively.

Amend sections 2 and 3 of the bill replacing them with the following:

2 Nonresident Commercial Salt Water License; Diving Helpers Prohibited. Amend RSA 211:49-a, II to read as follows:

II. The fee for an annual license shall be equivalent to the price of a nonresident license fee in the state from which the operator of the vessel claims residence, but such fee shall be not less than \$200. The license shall be for the operator of the boat, vessel *flotation device*, or gear, and helpers up to 3 in number; *provided, however, that helpers shall not be allowed for the taking of sea urchins by diving.* An additional annual helper's license shall be possessed for each helper in excess of 3 at a fee of \$10 per license. Said helper's license or licenses may be transferred to any helper employed by the operator.

3 Resident Commercial Salt Water License; Diving Helpers Prohibited. Amend RSA 211:49-b, II to read as follows:

II. The fee for such annual license shall be \$25 plus agent's fee. The license shall be for the operator of the boat, vessel, *flotation device*, or gear, and up to 3 helpers; *provided, however, that helpers shall not be allowed for the taking of sea urchins by diving.* An additional helper's license shall be possessed for each helper in excess of 3 at a fee of \$10 per license. A helper's license may be transferred to any helper employed by the operator.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes the taking of sea urchins subject to certain license and fee requirements. The licenses affected are resident commercial salt water license (RSA 211:49-b), nonresident

commercial salt water license (RSA 211:49-a), resident wholesaler license (RSA 211:49-c), and nonresident wholesaler license (RSA 211:49-aa).

Referred to Ways and Means.

HB 1475-FN, requiring a person purchasing a hunting, fishing or combination license to purchase a wildlife management habitat stamp for an additional fee. REFER FOR INTERIM STUDY

Rep. Henry W. Coulombe for Wildlife and Marine Resources: The Committee felt that a special fee would cause a loss of revenues to the Fish and Game regular fund. Vote 8-2.

HB 1502-FN, removing the fee and certain reporting requirement for persons who wish to sell venison. OUGHT TO PASS WITH AMENDMENT

Rep. Vernon Mitchell for Wildlife and Marine Resources: This bill clarifies language in the present law that regulates the sale of venison. The bill represents an agreement between the Department of Fish and Game, the Department of Agriculture and those who import and sell venison. The amendment keeps the \$50 wholesaler's license. Vote 10-1.

Amendment (5015B)

Amend the title of the bill by replacing it with the following:

AN ACT

removing certain reporting requirements for persons
who wish to sell venison.

Amend the amending language of section 1 of the bill by replacing it with the following:
I Sale of Imported Venison; Retail Outlet Seller's License Requirement Removed; Reporting Requirement Removed. Amend RSA 212:30-d to read as follows:

Amend RSA 212:30-d, III as inserted by section 1 of the bill by replacing it with the following:

III. Resident and nonresident wholesalers who wish to sell imported venison in this state as permitted in paragraph I shall procure a wholesaler's license from the department of fish and game to do so, the fee for which shall be \$50. Said license shall expire on December 31 of each calendar year. Wholesalers shall provide bills of sale in [triplicate] *duplicate*, [one copy of which shall be forwarded to the department of fish and game within 10 days of the sale, another] *one* copy of which shall be given to the [owner of the] retail [outlet] *seller*, and the [third] *other* copy of which shall be retained as a file copy by the wholesaler *and shall be available for inspection by any agent of the executive director*.

AMENDED ANALYSIS

This bill removes the certain reporting requirements for persons who wish to sell venison. This bill also removes the special license requirement for retail outlets wishing to sell venison.

HB 1503, establishing a committee to study economic development in rural New Hampshire through the enhancement of fish, game and nongame programs. REFER FOR INTERIM STUDY

Rep. Paul A. McGuirk for Wildlife and Marine Resources: The sponsors are to be commended for the intent of this bill. However, the charge is somewhat complex and it is the feeling of the Committee that it should have the time to study this issue for the purpose of fine tuning the purpose and scope of this legislation with the respective departments that might be impacted by legislation brought forth as a result of this committee work. Vote 11-0.

HB 1554-FN, authorizing the executive director of the Department of Fish and Game to hire clam wardens. INEXPEDIENT TO LEGISLATE

Rep. Henry W. Coulombe for Wildlife and Marine Resources: This bill is unnecessary. The Fish and Game Department already has the authority to hire wardens. Vote 10-0.

HB 1555-FN, establishing a lobster management plan. REFER FOR INTERIM STUDY

Rep. Henry W. Coulombe for Wildlife and Marine Resources: It is the feeling of the Committee that this issue will require a great deal of study to preserve the resources of the State for future generations and to coordinate with Federal laws. Vote 10-0.

REGULAR CALENDAR

HB 635-FN, relative to social security cost-of-living increases to certain recipients of assistance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: The amendment removes the one-time increase of \$100 per month and sets up a committee to study and recommend an appropriate standard of need. Whether the current rate of \$640 per month has kept up with inflation depends on what base year is used and is a legitimate question. So, too, are questions concerning the comparability between residential care rates for adults, residential care votes for children and in-home care rates for adults. The amended bill will ensure future Social Security COLAs are passed onto the recipients and do not result in lowered state assistance — which will bring New Hampshire into compliance with federal law. The amended bill will cost \$154,000 in general funds and \$142,000 in county share in the current biennium. Vote 21-0.

Amendment (5003B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to social security cost-of-living increases to residents of
residential care facilities and community residences and
establishing a committee to study the rate structure
of residential care facilities.

Amend the bill by replacing all after section 1 with the following:

2 Committee Established; Duties. A committee is hereby established to study the rate structure of residential care facilities.

3 Membership. The committee shall consist of the following members:

I. Two senators, appointed by the president of the senate.

II. Two house members from the appropriations committee, appointed by the speaker of the house.

III. Two house members from the health, human services and elderly affairs committee, appointed by the speaker of the house.

IV. One person representing a provider, appointed by the New Hampshire Association of Residential Care Homes.

V. One person from the division of human services, department of health and human services, appointed by the commissioner of the department of health and human services.

4 Chair; Meetings. The first meeting of the committee shall be called by the first-named house member within 30 days of the effective date of this act. The chair of the committee shall be chosen by the members at the first meeting.

5 Mileage. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

6 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the president of the senate, the speaker of the house, and the governor on or before November 1, 1994.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits the director of the division of human services, department of health and human services, from decreasing the amount of the state's contribution paid to a residential care facility or community residence because of a social security cost-of-living increase to a recipient of such assistance.

This bill also establishes a committee to study the rate of residential care facilities. The committee shall submit a report of its findings and recommendations to the president of the senate, the speaker of the house, and the governor on or before November 1, 1994.

Adopted.

Report adopted and ordered to third reading.

HB 1142-FN, relative to lenders regulated by the banking department, relative to consumer credit transactions and adjusting certain financial services fees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric N. Lindblade for the Majority of Commerce, Small Business and Consumer Affairs: This bill changes the way the banking department assesses financial entities to pay for its operations. The assessment, heretofore borne solely by the banks, will be apportioned among all the entities under the supervision of the banking department. Vote 11-5.

Reps. Wells, Fuller Clark, Newland, Loder and Braiterman for the Minority of Commerce, Small Business and Consumer Affairs: The Minority found that the purpose of this bill is to make up a shortfall of \$369,000 lost to the Banking Department when the bank franchise tax was rescinded. As amended, this bill will put new assessments on automobile sales finance companies, first mortgage companies and second mortgage companies, which have never been assessed before. The minority feels that this violates the New Hampshire statute that fees must be assessed only to meet the cost of the service or regulation rendered. The minority is opposed to raising revenue by increasing the cost of automobiles and home mortgages.

Rep. Wells moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Reps. Lindblade and Hunt spoke against.

Rep. Newland spoke in favor.

On a division vote 145 members having voted in the affirmative and 191 in the negative, the motion failed.

Amendment (5086B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to lenders regulated by the banking department
and relative to consumer credit transactions.

Amend the bill by replacing all after section 3 with the following:

4 Licensing of Motor Vehicle Sales Finance Companies and Retail Sellers Required. RSA 361-A:2, V is repealed and reenacted to read as follows:

V.(a) Upon the filing of the application for a sales finance company license and payment of the required fee, if the bank commissioner finds that the applicant's financial resources and responsibility, experience, personnel and record of past or proposed conduct warrant the public's confidence and that the business will be operated lawfully, honestly and fairly within the purposes of this chapter he shall enter an order approving such application and shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter, for a period which shall expire December 31 next following the date of its issuance. No sales finance company licensee shall transact any business provided for by this chapter under any other trade names unless he shall have a separate license therefor.

(b) Upon the filing of an application for a retail seller license and payment of the required fee, if the bank commissioner shall find that the applicant's experience and record of past or proposed conduct warrant the public's confidence and that the business will be operated lawfully, honestly, and fairly within the purposes of this chapter he shall enter an order approving such application and shall issue a license to the applicant to engage in the business of a retail seller under and in accordance with the provisions of this chapter, for a period which shall expire December 31 next following date of its issuance. No retail seller licensee shall transact any business provided for by this chapter under any other trade names unless he shall have a separate license therefor.

(c) If the bank commissioner determines that the applicant fails to meet the requirements of this chapter, the bank commissioner shall, in accordance with RSA 541-A, notify the applicant in writing of that determination. Applicants may appeal a license denial in accordance with RSA 541-A and rules of the bank commissioner adopted under RSA 541-A.

5 New Section; License Surrender; Motor Vehicle Retail Installment Sales. Amend RSA 361-A by inserting after section 2 the following new section:

361-A:2-a License Surrender.

I. A licensee who ceases to engage in the business of a sales finance company or retail seller at any time during a license year for any cause, including but not limited to bankruptcy, license revocation or voluntary dissolution, shall surrender such license in person or by reg-

istered or certified mail to the bank commissioner within 15 calendar days of such cessation, and shall cause to be published in a newspaper of general circulation in the licensee's market area a notice to such effect. The bank commissioner shall adopt rules, in accordance with RSA 541-A, relative to such notice.

II. Failure to comply with the provisions of this section and rules adopted under this section shall be cause for denial of future license applications.

6 Assistants. Amend RSA 361-A:6 to read as follows:

361-A:6 Assistants. For the enforcement of the provisions [hereof] *of this chapter*, the bank commissioner is authorized to appoint, subject to the provisions of the personnel law, such personnel as are necessary. The salary, traveling expenses and all expenses of administration and enforcement of the provisions [hereof] *of this chapter* shall be paid out of fees received from licenses issued [hereunder] *under this chapter and from sums collected pursuant to RSA 383:11*.

7 New Section; Sales Finance Companies Annual Report. Amend RSA 361-A by inserting after section 12 the following new section:

361-A:13 Annual Report; Sales Finance Companies. Each sales finance company licensee shall file, under oath, an annual report with the banking department on or before February 1 of each year, concerning the business and operations for the preceding calendar year ending December 31 in the form prescribed by the bank commissioner. Whenever a sales finance company licensee operated 2 or more licensed offices or whenever 2 or more affiliated licensees operated licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports. Any licensee failing to file the report required by this section within the time prescribed shall pay to the commissioner the sum of \$25 for each calendar day the report is overdue. If a licensee elects to file a composite report and such composite report is not filed on or before February 1, the penalty prescribed in this paragraph shall apply separately for each license held. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation of the bank commissioner, consumer credit administration division.

8 Payment of Cost of Examination; Annual Assessment. Amend the introductory paragraph of RSA 383:11 to read as follows:

The bank commissioner shall, each fiscal year, charge and collect from the institutions, the condition and management of which he is required to examine under the provisions of RSA 383:9, [as the total cost of such examination] *and which he supervises under the provisions of RSA 361-A, RSA 397-A, RSA 398-A and RSA 399-A*, the total amount appropriated for the bank commissioner's department. Said sum shall be collected as follows:

9 Balance of Sums Remaining. RSA 383:11, II is repealed and reenacted to read as follows:

II. The balance of said sum remaining after the charges provided for in paragraph I have been deducted from the total sum shall be charged and collected as follows:

(a) From depository institutions. Each depository institution required to be examined under the provisions of RSA 383:9 shall be charged and pay such proportion of said balance applicable to depository institutions under the banking department's program appropriation unit designation, as its total assets bear to the total assets of all such depository institutions as shown by their reports to the commissioner as of June 30 preceding such charges, except that only 50 percent of the fiduciary assets shall be used in the calculation of the total assets of each institution and all such institutions.

(b) From non-depository lenders and brokers. Each licensee subject to the supervision of the bank commissioner under the provisions of RSA 397-A, RSA 398-A, RSA 399-A, and sales finance companies under RSA 361-A, shall be charged and shall pay such proportion of said balance applicable to the consumer credit administration division under the banking department's program appropriation unit designation as its total dollar volume of loans made, originated, funded or brokered bear to the total dollar volume of all such loans made, originated, funded or brokered by such licensees during the preceding calendar year ending December 31, as shown by their annual reports to the commissioner.

10 License Application; First Mortgage Bankers; Requirements; Investigation. Amend RSA 397-A:5, II(b) and (c) to read as follows:

(b) Each license application shall be accompanied by a nonrefundable application fee of \$250 for each separate office location within this state to be licensed. [Any applicant licensed prior to July 1, 1987, shall not be required to pay a new application fee, but shall pay a renewal fee under RSA 397-A:8.] Sums collected under this [subparagraph and RSA 397-A:8, III] **chapter** shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, [small loan and vehicle finance] **consumer credit administration** division.

(c) Each applicant shall be required to submit to the banking department detailed financial information sufficient for the bank commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. At a minimum, each mortgage banker applicant must demonstrate a net worth of \$100,000 or shall post surety [or insurance] in said amount as determined by rules adopted by the bank commissioner. At a minimum, each mortgage broker, or any person not funding a loan, shall provide a surety bond in the amount of \$20,000 to the bank commissioner. ***In calculating net worth, mortgage banker applicants shall include in such calculation only those assets which are exclusively used or useful in the business and which have a readily determinable market value.***

11 License Denial; First Mortgage Bankers; Appeal. RSA 397-A:7, II is repealed and reenacted to read as follows:

II. Applicants may appeal a license denial in accordance with RSA 541-A and rules of the bank commissioner adopted under RSA 541-A.

12 New Paragraph; Petition to Board of Trust Company. Amend RSA 397-A:7 by inserting after paragraph II the following new paragraph:

III. Applicants may petition the board of trust company incorporation for a rehearing in accordance with RSA 541 if the decision in an appeal conducted pursuant to RSA 397-A:7, II affirms the denial of a license application.

13 New Section; License Surrender; First Mortgage Bankers. Amend RSA 397-A by inserting after section 10 the following new section:

397-A:10-a License Surrender.

I. A licensee who ceases to engage in the business of a first mortgage banker or first mortgage broker at any time during a license year for any cause, including but not limited to bankruptcy, license revocation or voluntary dissolution, shall surrender such license in person or by registered or certified mail to the bank commissioner within 15 calendar days of such cessation, and shall cause to be published in a newspaper of general circulation in the licensee's market area a notice to such effect. The bank commissioner shall adopt rules, in accordance with RSA 541-A, relative to such notice.

II. Failure to comply with the provisions of this section and rules adopted under this section shall be cause for denial of future license applications.

14 Reference Deleted; First Mortgage Bankers; Examination Expenses. Amend RSA 397-A:12, V to read as follows:

V. The expense of such examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. [Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.]

15 Definition; Lender; Second Mortgage Home Loans. RSA 398-A:1, III is repealed and reenacted to read as follows:

III. "Lender" means a person not exempt under RSA 398-A:10 who for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly makes, originates, acquires, negotiates, or otherwise engages in the business of making second mortgage loans.

16 New Paragraphs; Definitions; Second Mortgage Broker; Person; Salesperson. Amend RSA 398-A:1 by inserting after paragraph V the following new paragraphs:

VI. "Broker" means a person not exempt under RSA 398-A:10 who for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly purchases, places or sells second mortgage loans, or offers to do so.

VII. "Person" means an individual, corporation, business, trust, estate, trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal or commercial entity, however organized.

17 License Required; Second Mortgage Home Loans. Amend RSA 398-A:1-a, I to read as follows:

I. No person shall engage in the business of second mortgage loans *as either a lender or broker* unless he [or his broker, agent or other representative] first obtains a license as provided herein, except when the person lending money is the seller of the real estate upon which the second mortgage is to be taken as security. A person shall not be deemed to be in the business of second mortgage [home] loans if he makes *or brokers* not more than 4 second mortgage loans in a calendar year.

18 License Fee. Amend RSA 398-A:1-a, III and IV to read as follows:

III. [The license fee for each calendar year or part thereof shall be \$250.] *Each application shall be accompanied by a nonrefundable application fee of \$250.* Sums collected under this [paragraph] *chapter* shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, [small loan and vehicle finance] *consumer credit administration* division.

IV. Upon the filing of such application and the payment of said fee, the commissioner shall investigate the interest to be imposed by the applicant in comparison with the interest generally charged by other lenders in the community in which the business of the applicant is to be conducted, and if he shall find (a) the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully, honestly and fairly within the purposes of this chapter; and that (b) the applicant has available for use in such business at the location specified in the application at least \$25,000, or has such amount available, or actually invested in loans made under this chapter, and that (c) allowing the applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted, he shall enter an order approving such application and deliver a license to the applicant for a period which shall expire the December 31 following the date of its issuance. Each license shall state the name and address of the licensee and shall be posted in the licensee's place of business. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other trade name unless he shall have a separate license therefor. If the commissioner shall not so find, he shall enter an order denying such application and immediately notify the applicant of the denial[, returning the license fee]. Before the corporate or trade name under which the licensed business is conducted is changed, the licensee shall give notice to the commissioner who shall amend the license accordingly without cost.

19 New Paragraphs; License Required. Amend RSA 398-A:1-a by inserting after paragraph V the following new paragraphs:

VI.(a) Each second mortgage home lender applicant shall be required to submit to the banking department detailed financial information sufficient for the bank commissioner to determine the applicant's ability to engage in the business of making second mortgage home loans with financial integrity. At a minimum, each applicant for a second mortgage home loan lender license shall demonstrate a net worth of \$95,000 or shall, in addition to any surety bond required by any other provision of this chapter, post a surety bond in said amount as determined by rules adopted by the bank commissioner. In calculating net worth, the applicant shall include in such calculation only those assets which are exclusively used or useful in the business and which have a readily determinable market value.

(b) Each second mortgage home loan broker applicant shall, at a minimum, and in addition to any surety bond required by any other provision of this chapter, be required to provide a surety bond in the amount of \$15,000 to the bank commissioner

VII. No license shall be issued under this chapter to any individual or entity whose principal place of business is located outside of this state unless that individual or entity designates an agent residing within this state for service of process. An out-of-state licensee shall be required to post its license at the business location of its New Hampshire agent.

20 Payment Clarified; Second Mortgage Home Loans. Amend RSA 398-A:1-d to read as follows:

398-A:1-d Cost. The commissioner may make such an examination of the affairs, business, office and records of any licensee. The expense of such examination shall be chargeable to and paid by the [institution] *licensee*. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. [Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.]

21 New Section; License Surrender; Second Mortgage Home Loans. Amend RSA 398-A by inserting after section 1-e the following new section:

398-A:1-f License Surrender.

I. A licensee who ceases to engage in the business of making second mortgage home loans at any time during a license year for any cause, including but not limited to bankruptcy, license revocation or voluntary dissolution, shall surrender such license in person or by registered or certified mail to the bank commissioner within 15 calendar days of such cessation, and shall cause to be published in a newspaper of general circulation in the licensee's market area a notice to such effect. The bank commissioner shall adopt rules, in accordance with RSA 541-A, relative to such notice.

II. Failure to comply with the provisions of this section and rules adopted under this section shall be cause for denial of future license applications.

22 Consumer Credit Administration Fund; Regulation of Small Loans. Amend RSA 399-A:13 to read as follows:

399-A:13 [Small Loan License] *Consumer Credit Administration* Fund. The bank commissioner shall keep a separate account, in the state treasurer's office, to be known as the [small loan license] *consumer credit administration* fund. Moneys received from payment of fees under this chapter shall be credited to the [small loan license] *consumer credit administration* fund. This fund may be expended by the commissioner with the approval of the governor and council for the purpose of supervising persons subject to the provisions of this chapter.

23 New Section; License Surrender; Small Loans. Amend RSA 399-A by inserting after section 18 the following new section:

399-A:18-a License Surrender.

I. A licensee who ceases to engage in the business of making small loans at any time during a license year for any cause, including but not limited to bankruptcy, license revocation or voluntary dissolution, shall surrender such license in person or by registered or certified mail to the bank commissioner within 15 calendar days of such cessation, and shall cause to be published in a newspaper of general circulation in the licensee's market area a notice to such effect. The bank commissioner shall adopt rules, in accordance with RSA 541-A, relative to such notice.

II. Failure to comply with the provisions of this section and rules adopted under this section shall be cause for denial of future license applications.

24 New Section; Pawnbrokers and Moneylenders; License Surrender. Amend RSA 399-D by inserting after section 7 the following new section:

399-D:7-a License Surrender.

I. A licensee who ceases to engage in the business of a debt adjuster at any time during a license year for any cause, including but not limited to bankruptcy, license revocation or voluntary dissolution, shall surrender such license in person or by registered or certified mail to the bank commissioner within 15 calendar days of such cessation, and shall cause to be published in a newspaper of general circulation in the licensee's market area a notice to such effect. The bank commissioner shall adopt rules, in accordance with RSA 541-A, relative to such notice.

II. Failure to comply with the provisions of this section and rules adopted pursuant to this section shall be cause for denial of future license applications.

25 Change from "Small Loan and Vehicle Finance Division" to "Consumer Credit Administration Division." Amend the following RSA provisions by replacing "small loan and vehicle finance division" with "consumer credit administration division": RSA 361-A:4-a, IV; 361-A:2, III(c); 383:11, I; 397-A:15-a, IV; 398-A:6-a, IV; 398-A:1-e; 399-A:5-a, IV; 399-A:20, III; 399-A:21, III; and 399-D:10.

26 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill regulates interest on open-end consumer credit transactions. It changes licensing requirements for certain lenders and offerors of financial services and establishes procedures for license surrender by licensees of the banking department. The bill also changes the procedures for assessment of costs of examinations.

The bill changes the name of the "small loan license fund" to the "consumer credit administration fund" and the "small loan and vehicle finance division" to the "consumer credit administration division," and credits certain payments to the fund or division.

This bill was requested by the banking department.

Adopted.

Report adopted and referred to Ways and Means.

Rep. Domaingue declared a conflict of interest and did not participate.

HB 1500-FN, defining retail level distributors and requiring the licensure of pharmacies operating outside of the state who sell to individuals within the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: The committee feels that in the interest of the consumer, out-of-state mail order pharmacies should at least be registered in this state. This will provide a way for consumers to make inquiries about their out-of-state dispenser if they have reason to. Vote 14-2.

Amendment (5071B)

Amend the title of the bill by replacing it with the following:

AN ACT

defining retail level distributors and requiring the registration of
pharmacies operating outside of the state that sell
to individuals within the state.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Licensure Required for Out-of-State Pharmacies. Amend RSA 318:37 to read as follows:

318:37 *License or Registration* Required[, When]; *Compliance*.

I. No person shall conduct or operate a pharmacy within the state for the sale at retail of drugs and medicines unless such pharmacy is [registered] licensed with[,] and a permit [therefor] has been issued by[,] the pharmacy board, except as provided in this chapter.

II.(a) No person shall conduct or operate a pharmacy outside of the state for the sale at retail of drugs and medicines to individuals within the state unless such pharmacy is registered with and a permit has been issued by the board of pharmacy.

(b) The board of pharmacy shall issue a permit to such out-of-state pharmacy if the pharmacy provides proof that the pharmacy is licensed in good standing in the state in which such pharmacy is located.

(c) The board of pharmacy shall provide registration forms to such out-of-state pharmacies.

(d) The board of pharmacy shall assess the following fees for out-of-state pharmacy registrations:

(1) \$300 for initial registration.

(2) \$150 for annual registration renewal.

(e) All persons registered under this paragraph shall comply with those requirements of RSA 318 and RSA 318-B and as defined by the board of pharmacy by rule for the purpose of assuring that the products distributed by these registrants meet the same standards as those required for in-state distribution.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill defines "retail level distributor" and requires that they be registered by the board of pharmacy and be licensed in good standing in the state in which such pharmacy is located. Adopted.

Rep. Hunt moved to Recommit to Committee and spoke in favor.
Adopted.

HB 1199, relative to state referendum questions on proposed changes in the New Hampshire house of representatives. **INEXPEDIENT TO LEGISLATE**

Rep. Jack B. Willis for Constitutional and Statutory Revision: The committee believes that the three changes recommended in HB 1199 are not needed. The Legislature is more representative of the desires of the people as it is. The committee feels NH has a true citizen legislature now. Vote 11-2.

Rep. Teague moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Hillard and Below spoke in favor.

Rep. Pfaff spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 166 - NAYS 191

YEAS 166

BELKNAP

Laffam, Robert

Lawton, David

Salatiello, Thomas

Young, Niel

CARROLL

None

CHESHIRE

Avery, Stephen

Bonneau, Sarah

Burnham, Daniel

Champagne, Richard

DePecol, Benjamin

Foster, Katherine

Kingsbury, H. Thayer

Lynch, Margaret

Manning, Joseph

Pratt, Irene

Richardson, Barbara

Robertson, Timothy

Russell, Ronald

Young, David

COOS

Bradley, Paula

Harwell, Tyler

Hawkinson, Marie

Mears, Edgar

GRAFTON

Below, Clifton

Brown, Patricia

Chase, Paul, Jr.

Copenhaver, Marion

Croy, Elizabeth

Guest, Robert

Ham, Bonnie

LaMott, Paul

Larson, Nils, Jr.

McIlwaine, Deborah

Nordgren, Sharon

Rose, William

HILLSBOROUGH

Ahern, Richard

Ahlgren, Madelyn

Arnold, Thomas, Jr.

Asselin, Robert

Bergeron, Lucien

Borsa, Andrew

Buckley, Raymond

Clemons, Jane

Cote, David

Crotty, Edward

Domaigne, Jacquelyn

Donovan, Francis

Drabinowicz, A. Theresa

Durham, Susan

Dwyer, Patricia

Foster, Linda

Gage, Ruth

Gervais, Glen

Gosselin, Gerald

Haettenschwiller, Alphonse

Hall, Betty

Hart, Nick

Jean, Claudette

Johnson, Lionel

Kelley, Dana

Lachut, Ervin

Laughlin, J. Francis

Leclerc, Charles

Lessard, Rudy

Lozeau, Donnalee

Martin, Mary Ellen

Messier, Irene

Morrisette, Roland

Murphy, Robert

Nardi, Theodora

O'Rourke, Joanne

Perkins, Paul

Peters, Stanley

Philbrook, Paula

Plourde, Alphonse

Reidy, Frank

Rothhaus, Finlay

Smart, John

Soucy, Donna

Stewart, Thomas

Tate, Joan

Toomey, Kathryn

Turgeon, Roland

Weergang, Alida

White, John

MERRIMACK

Braiterman, Thea

Buessing, Marjorie

Coughlin, Anne

Daneault, Gabriel

Dunn, Miriam

Feuerstein, Martin

Fillion, Paul

French, Barbara

Hall, Douglas
Owen, Derek
Teague, Bert
Weeks, John, Jr.

Johnson, Joyce May
Regan, Maurice
Trombly, Rick
Yeaton, Charles

Moore, Carol
Rogers, Katherine
Wallner, Mary Jane

Newland, Matthew
Stapleton, Henry
Ward, Jay

ROCKINGHAM

Aranda, M. Kathryn
Clark, Martha
Gorman, Donald
Johnson, Robert
MacDonald, Maurice
O'Keefe, Patricia
Schanda, Joseph, Sr.
Vaughn, Charles

Case, Margaret
Clark, Vivian
Groves, Bonnie
Kane, Cecelia
McGovern, Cynthia
Pullman, Robert
Skinner, Patricia
Williamson, William

Caswell, Albert, Jr.
Crossman, Harold, Jr.
Hazelton, Robert
Klemarczyk, Thaddeus
McKinney, Betsy
Rosencrantz, James
Splaine, James

Chester, Sherman
Gargiulo, Louis
Johnson, Bill
Klemm, Arthur, Jr.
Newman, Rick
Rubin, George
St. Martin, Tommy

STRAFFORD

Brown, George
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Spear, Barbara
Wall, Janet

Callaghan, Frank
Keans, Sandra
McCann, William, Jr.
Pageotte, Donald
Sullivan, Henry
Wheeler, Katherine

Chagnon, Ronald
Knowles, William
McGrath, J. Gregory
Pelletier, Arthur
Torr, Ralph

Gilmore, Gary
Loder, Suzanne
Merrill, Amanda
Snyder, Clair
Vincent, Francis

SULLIVAN

Allison, David
Domini, Irene

Behrens, Thomas
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

NAYS 191

BELKNAP

Cain, Thomas
Holbrook, Robert
Smith, Linda

Campbell, Richard, Jr.
Johnson, Carl
Ziegler, Alice

Golden, Paul
Rice, Thomas, Jr.

Hawkins, Robert
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Cole, Stacey
Metzger, Katherine
Smith, Edwin

Delano, Robert
Pearson, Gertrude

Hunt, John
Perry, David

McNamara, Wanda
Riley, William

COOS

Coulombe, Henry
Pratt, Leighton

Foss, Frederic

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Driscoll, William
Teschner, Douglass

Bean, Pamela
Eaton, Stephanie
Wadsworth, Karen

Brown, Alson
Gordon, Edward
Ward, Kathleen

Brown, Channing
Scanlan, David

HILLSBOROUGH

Ahrens, Frederick
Bagley, Amy
Calawa, Leon, Jr.
Daigle, Robert

Amidon, Eleanor
Bergeron, Normand
Cepaitis, Elizabeth
Desrosiers, William

Andrews, Frederick
Bowers, Dorothy
Chabot, Robert
Dodge, Emma

Arnold, Barbara
Burke, M. Virginia
Cowenhoven, Garret
Drolet, Paul

Dyer, Merton	Dykstra, Leona	Fenton, James	Ferguson, Charles
Fields, Dennis	Franks, Suzan	Gagnon, Eugene	Greenberg, Gary
Hanselman, Gregory	Holden, Carol	Holley, Sylvia	Holt, David
Holt, Mark	Hunter, Bruce	Jasper, Shawn	Jean, Loren
Kelley, Robert	Kirby, Thomas	Kurk, Neal	L'Heureux, Robert
Lefebvre, Roland	Lown, Elizabeth	McCarty, Winston	McRae, Karen
Mercer, Robert	Milligan, Robert	Mittelman, David	Moncrief, Keith
Moore, Elizabeth	O'Hearn, Jane	Packard, Bonnie	Pepino, Leo
Record, Alice	Riley, Frances	Rodgers, G. Philip	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Smith, Leonard	Sullens, Joan
Upton, Barbara	Vanderlosk, Stanley	Wells, Peter, Sr.	Wheeler, Robert
Wright, George			

MERRIMACK

Barberia, Richard	Chandler, Earle	Chandler, John	Gilbreth, Robert
Hager, Elizabeth	Holmes, Mary	Houlahan, Thomas	Johnson, C. William
Kennedy, Richard	Kidder, William	Langer, Ray	Lockwood, Robert
Mitchell, Vernon	Nichols, Avis	Pfaff, Terence	Shaw, Randall
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Beaulieu, Jon	Boucher, William
Bove, Martin	Buco, Stephen	Campbell, Marilyn	Christie, Andrew, Jr.
Coes, Betsy	Conroy, Janet	DiPietro, Carmela	Dowd, Sandra
Dowling, Patricia	Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Hemenway, Thomas	Hurst, Sharleene	Katsakiores, George
Katsakiores, Phyllis	Lee, Rebecca	Lovejoy, Marian	Miller, Don
Moore, Benjamin	Noyes, Richard	Packard, Sherman	Pratt, Katharin
Putnam, Ed, II	Raynowska, Bernard	Richards, David	Ritzo, Eugene
Senter, Marilyn	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Sytek, Donna	Sytek, John	Warburton, Calvin
Welch, David	Weyler, Kenneth	Woods, Deborah	Yennaco, Carol

STRAFFORD

Brown, Julie	Douglass, Clyde	Dunlap, Patricia	Hambrick, Patricia
Hemon, Roland	Kincaid, William	McKinley, Robert	Musler, George
Nehring, William	Rogers, Rose Marie	Torr, Ann	Torr, Franklin
Wasson, Richard			

SULLIVAN

Lindblade, Eric	Rodeschin, Beverly	Schotanus, Merle
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and the motion failed.

Report adopted.

HB 1194-FN, relative to the board of accountancy and related professional fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul R. Fillion for Executive Departments and Administration: This bill provides for strengthening the board of accountancy. Mandatory quality reviews for both CPAs and PAs will help ensure a high level of performance in a very technical and complex field of specialization. Vote 13-1.

Amendment (5010B)

Amend RSA 309-B:2 as inserted by section 2 of the bill by deleting paragraph VII and renumbering the original paragraphs VIII-X to read as VII-IX, respectively.

Amend RSA 309-B:3, I(a) as inserted by section 2 of the bill by replacing it with the following:

I.(a) There is hereby created the New Hampshire board of accountancy, which shall have responsibility for the administration and enforcement of this chapter. The board shall consist of the following members, all of whom shall be residents of this state appointed by the governor with the approval of council: Three members shall be holders of certificates under RSA 309-B:4 or corresponding provisions of prior law; one member shall be a public accountant who is a holder of a currently valid permit; and one member shall be a public member, who is not, and never was, a member of the accounting profession, or the spouse of such person, and who does not have, or never has had, a material financial interest in either the provision of accounting services or an activity directly related to accounting, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

Amend RSA 309-B:3, II(a) as inserted by section 2 of the bill by replacing it with the following:

II.(a) The board shall elect annually from among its members a chairperson, a secretary-treasurer and such other officers as the board may deem appropriate. A member shall be eligible to be elected chairperson for one one-year term during a 5-year appointment. For one year within the 5-year period, the chairperson shall be a person other than a certified public accountant. The board shall meet at such times and places as may be fixed by the board. Meetings of the board shall be open to the public, except insofar as they are concerned with investigations under RSA 309-B:7 or 309-B:8, and except as may be necessary to protect information that is required to be kept confidential by board rules or by the laws of this state. A majority of the board members shall constitute a quorum at any meeting duly called.

Amend RSA 309-B:3, VIII(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Rules specifying the educational and experience qualifications required for all licensees, and the continuing professional education required for renewal of certificates or permits.

Amend RSA 309-B:3, VIII(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Rules regarding quality reviews that shall be required under this chapter.

Amend RSA 309-B:4 as inserted by section 2 of the bill by inserting after paragraph VII the following new paragraph and renumbering the original paragraph VIII to read as IX:

VIII. Experience obtained in the employment of a governmental agency in the following areas may be accepted by the board in its discretion as qualifying experience under this section:

(a) In auditing the books and accounts of nongovernmental entities in 3 or more distinct lines of commercial or industrial business in accordance with generally accepted auditing standards;

(b) In auditing the books and accounts or activities of 3 or more governmental agencies or distinct organizational units in accordance with generally accepted auditing standards and reporting on their operations to a third party, to the congress, or to a state legislature; or

(c) In a combination satisfactory to the board of the experience described in subparagraph (a) above, together with reviewing financial statements and supporting material covering the financial condition and operations of nongovernmental entities engaged in 3 or more distinct lines of commercial or industrial business to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable government regulations for the protection of investors and consumers.

Amend RSA 309-B:5, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. The board shall require, as a condition to renewal of permits under this section, that applicants undergo quality reviews conducted no more frequently than once every 3 years in such manner and producing such satisfactory result as the board may specify; provided, however, that any such requirement shall be adopted reasonably in advance of the time when it is first required to be met, and shall include reasonable provision for compliance by an applicant's showing that it has undergone a satisfactory quality review performed for other purposes which was substantially equivalent to quality reviews generally required pursuant to this section and completion of such review was within the 3 years immediately preceding the renewal period.

Amend RSA 309-B as inserted by section 2 of the bill by deleting section 6 and renumbering the original sections 7-20 to read as 6-19, respectively.

Amend the introductory paragraph of RSA 309-B:6, I as inserted by section 2 of the bill by replacing it with the following:

I. After notice and hearing pursuant to RSA 309-B:8, the board may refuse to renew or suspend any certificate or permit issued under RSA 309-B:4 or 5 or refuse to renew any such certificate or permit for a period of not more than 5 years. The board may reprimand, censure, or limit the scope of practice of any licensee; impose an administrative fine not exceeding \$1,000, or place any licensee on probation, all with or without terms, conditions, and limitations, for any one or more of the following reasons:

Amend RSA 309-B:6, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Fraud or deceit in obtaining a certificate or permit.

Amend RSA 309-B:6, II(a) as inserted by section 2 of the bill by replacing it with the following:

(a) A quality review conducted in such fashion as the board shall specify; and

Amend RSA 309-B:7, I as inserted by section 2 of the bill by replacing it with the following:

I. The board may, upon receipt of a written complaint or other information suggesting violations of this chapter or of the rules of the board, conduct investigations to determine whether there is probable cause to institute proceedings under RSA 309-B:6 or RSA 309-B:8 against any person or firm for such violation, but an investigation under this section shall not be a prerequisite to such proceedings in the event that a determination of probable cause can be made without investigation. In aid of such investigations, the board, through its chairperson, shall have the power to compel the testimony of witnesses and the production of documents or other evidence by the issuance of subpoenas. The board and the defendant may take the depositions of witnesses residing within or without the state pertaining to any matter being investigated.

Amend RSA 309-B:7, III as inserted by section 2 of the bill by replacing it with the following:

III. Upon a finding of probable cause, if the subject of the investigation is a licensee, the board shall direct that a complaint be issued under RSA 309-B:8, and if the subject of the investigation is not a licensee, the board shall take appropriate action under RSA 309-B:10 and RSA 309-B:11. Upon a finding of no probable cause, the board shall close the matter and shall release related information only with the consent of the person or firm investigated.

Amend RSA 309-B:8, I as inserted by section 2 of the bill by replacing it with the following:

I. In any case where probable cause with respect to a violation by a licensee has been determined by the board, whether following an investigation under RSA 309-B:7, or upon receipt of a written complaint furnishing grounds for a determination of such probable cause, or upon receipt of notice of a decision by the board of accountancy or similar agency of another state furnishing such grounds, the board shall issue a complaint setting forth appropriate charges and set a date for a disciplinary hearing before the board on such charges. The board shall, not less than 30 days prior to the date of such hearing, serve a copy of the complaint and notice of the time and place of the hearing upon the licensee, together with a copy of the board's rules governing proceedings under this section, either by personal delivery or by mailing a copy by registered mail to the licensee at the last known address.

Amend RSA 309-B:8, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The evidence supporting the complaint shall be presented by the investigating officer, by a board member designated for that purpose, or by counsel. A board member who presents the evidence, or who has conducted the investigation of the matter under RSA 309-B:7, shall not participate in the board's decision of the matter.

Amend RSA 309-B:8, XI as inserted by section 2 of the bill by replacing it with the following:

XI. In any case where the board renders a decision imposing discipline against a licensee under RSA 309-B:6 or RSA 309-B:8, the board shall examine its records to determine whether the licensee holds a certificate or a permit to practice public accountancy in any other state.

If that is the case, the board shall notify the board of accountancy or other similar regulatory agency of such other state of its decision, by mail, within 45 days of rendering the decision. The board may also furnish information relating to proceedings resulting in disciplinary action to other public authorities and to professional organizations having a disciplinary interest in the licensee.

Amend RSA 309-B:9, I as inserted by section 2 of the bill by replacing it with the following:

I. In any case where the board has suspended or revoked a certificate or permit or refused to renew a certificate or permit the board may, upon application in writing by the individual affected and for good cause shown, modify the suspension or reissue the certificate or permit.

Amend RSA 309-B:9, III as inserted by section 2 of the bill by replacing it with the following:

III. Before reissuing, or terminating the suspension of, a certificate or permit under this section, and as a condition to such action, the board may require the applicant to show successful completion of specified continuing professional education. The board may make the reinstatement of a certificate or permit conditional and subject to satisfactory completion of a quality review conducted in such fashion as the board shall specify.

Amend the introductory paragraph of RSA 309-B:10, I as inserted by section 2 of the bill by replacing it with the following:

I. No person or firm shall issue a report on financial statements of any other person, firm, organization, or governmental unit unless such person or firm has been issued a permit under RSA 309-B:5. This prohibition shall not apply to the following circumstances:

Amend RSA 309-B:10, II as inserted by section 2 of the bill by replacing it with the following:

II. The prohibition contained in paragraph I of this section is applicable to issuance, by a person or firm not holding a valid permit, of a report using any form of language conventionally used by licensees with respect to a review of financial statements.

Amend RSA 309-B:10, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. No firm shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," or any other title or designation likely to be confused with the titles "certified public accountant" or "public accountant," or use any of the abbreviations "CA," "EA," "LA," "RA," "AA," or similar abbreviation likely to be confused with the abbreviations "CPA" or "PA," unless all partners, officers and shareholders of the firm hold valid permits under RSA 309-B:5. This prohibition shall not apply to a holder of a certificate who does not also hold a permit, and such individual may use the titles pertaining to such certificate in any manner not prohibited by rules adopted by the board under RSA 309-B:3, VIII.

Amend RSA 309-B:11-14 as inserted by section 2 of the bill by replacing them with the following:

309-B:11 Injunctions. Whenever, as a result of an investigation under RSA 309-B:7 or otherwise, the board believes that any person or firm has engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of RSA 309-B:10, the board may make application to the appropriate court for an order enjoining such acts or practices. Upon a showing by the board that such person or firm has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or other order as may be appropriate may be granted by such court.

309-B:12 Criminal Penalties.

I. Whenever, by reason of an investigation under RSA 309-B:7 or otherwise, the board has reason to believe which any person or firm has knowingly engaged in acts or practices which constitute a violation of RSA 309-B:10, the board may bring its information to the attention of the department of justice of this state which may, in its discretion, cause appropriate criminal proceedings to be brought.

II. Any person who knowingly violates any provision of RSA 309-B:10 shall be guilty of a misdemeanor.

309-B:13 Single Act as Evidence of Practice. In any action brought under RSA 309-B:8, 309-B:11 or 309-B:12, evidence of the commission of a single act prohibited by this chapter

shall be sufficient to justify the imposition of a penalty, injunction, restraining order, or conviction, respectively, without evidence of a general course of conduct.

309-B:14 Confidential Communications. Except by permission of the client engaging a licensee under this chapter, or the heirs, successors, or personal representatives of such client, a licensee or any partner, officer, shareholder, or employee of a licensee shall not voluntarily disclose information communicated to such person by the client relating to and in connection with services rendered to the client by the licensee in the practice of public accountancy. Such information shall be deemed confidential, provided, however, that nothing in this chapter shall be construed as prohibiting the disclosure of information required to be disclosed by the standards of the public accounting profession in reporting on the examination of financial statements or as prohibiting disclosures in court proceedings or administrative proceedings before governmental agencies in instances where a subpoena or summons has been issued, in investigations or proceedings under RSA 309-B:7 or 309-B:8, in ethical investigations conducted by private professional organizations, or in the course of quality reviews.

Amend the bill by replacing sections 3 and 4 with the following:

3 Previously Licensed Accountants. Any person who on the effective date of this act holds a valid permit or certificate issued under RSA 309-A or its predecessors under prior law may continue to practice accountancy as provided in RSA 309-B:5, IX. The board may exercise its authority over such persons under RSA 309-B:6, relating to enforcement.

4 Initial Appointments to Board. Of the members first to be appointed under RSA 309-B:3, one shall hold office for one year, one for 2 years, and one for 3 years, one for 4 years, and one for 5 years, the term of each to be designated by the governor, provided that members of the New Hampshire board of accountancy appointed and serving as such under prior law on the effective date of this act shall serve out the terms for which they were appointed.

AMENDED ANALYSIS

This bill reestablishes the board of accountancy and prescribes its powers and duties. It also provides for the issuance of certificates as certified public accountants and the issuance of permits to practice public accountancy.

This bill was requested by the board of accountancy.

Adopted.

Report adopted and ordered to third reading.

HB 1286, establishing a board of real property inspectors, requiring the licensing of inspectors, and setting certain fees. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond A. Lundborn for Executive Departments and Administration: The committee felt this board was premature at this time. The American Society of Home Inspectors (ASHI) is coming out later this year with a national model of legislation. Vote 16-1.

Adopted.

HB 1295-FN, establishing a department of natural resources. **REFER FOR INTERIM STUDY**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would establish a Department of Natural Resources. The Department would be responsible for managing, developing and protecting the state's agricultural resources and provide protection, management and preservation of the trails, forests, parks and historical sites in the state. Most of those that appeared at the public hearing thought this was a large project and should be studied further. With the time available, the committee felt the same way and requests interim study to look into all the ramifications of such a department. Vote 14-1.

Adopted.

HB 1524, relative to the executive reorganization of the department of education. **OUGHT TO PASS WITH AMENDMENT**

Rep. William P. Boucher for Executive Departments and Administration: The bill went to a subcommittee of ED&A. The committee dealt with the redraft of HB 1524 as proposed by Rep. Skinner, Chairman of Education, and further amended the bill to accomplish the follow-

ing. We modified the initiative of the Department of Education in realignment of the various divisions and bureaus and major changes are made in the functional relationship of the department staff in carrying out the duties and responsibilities of the department. The reorganization done by ED&A and the Education Committee in 1986 lacked a few needed changes and this realignment by the Department of Education is timely and well done. The deputy commissioner, who will become commissioner in July, will be a major factor in implementation of this act. Vote 14-0

Amendment (5058B)

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Education Reorganized. RSA 21-N:2-8 are repealed and reenacted to read as follows:

21-N:2 Establishment; General Functions.

I. There is hereby established the department of education, an agency of the state under the executive direction of a commissioner of education.

II. The department of education, through its officials, shall be responsible for the following general functions:

(a) Providing general supervision for elementary and secondary schools, teachers, and administrators.

(b) Providing a variety of educational services to schools and particular groups.

(c) Providing vocational rehabilitation and social security disability determination services for persons with disabilities.

III. The department shall provide educational leadership and services which promote educational opportunities and quality practices and programs which enable New Hampshire residents to become fully productive members of society.

21-N:3 Commissioner; Deputy Commissioner; Directors; Compensation.

I. The commissioner of the department of education shall be appointed by the board of education and shall serve for a term of 4 years. The commissioner may succeed himself or herself, if reappointed. The commissioner shall be qualified to hold that position by reason of education and experience.

II. The commissioner shall nominate the deputy commissioner and each division director for confirmation by the board of education. The deputy commissioner and the division directors shall serve for a term of 4 years. They may succeed themselves, if reappointed. The deputy commissioner and the directors shall be qualified to hold their respective positions by reason of education and experience.

III. The deputy commissioner and the directors shall serve staggered terms.

IV. The salaries of the commissioner, the deputy commissioner and each division director, shall be as specified in RSA 94:1-a.

21-N:4 Duties of Commissioner. In addition to the powers, duties and functions otherwise vested by law in the commissioner of the department of education, the office of the commissioner shall:

I. Establish the organizational goals of the department and represent the public interest in the administration of the functions of the department of education and be responsible to the governor, the general court, and the public for such administration.

II. Have the authority, subject to the approval of the governor and council, to accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the policy objectives of the department of education as set forth in RSA 21-N:1 and except as prohibited by any other provision of law.

III. Provide for a fair hearings unit within the commissioner's office which shall, when not inconsistent with federal law, conduct all hearings required under the provisions of RSA 186-C or any state or federal law or regulation. Such hearings shall be conducted as adjudicative proceedings as provided in RSA 541-A. The hearing officer, when appropriate and when not inconsistent with state or federal law, shall present proposed findings and recommendations to the commissioner who shall, upon review of the record, issue a final decision in the matter.

IV. Represent the department on boards, commissions, committees, and professional associations, or shall designate a designee.

V. Establish procedures to provide school administrative units with professional staff services, including direct services to school administrative units in improving the effectiveness and efficiency of administrative and instructional services. Such services shall include, but not be limited to, assistance in addressing problems, resolving disputes, and planning for internal reorganization; development of clearer role definitions for superintendents, assistant and associate superintendents, and school boards; and provision of resources and programs for board training and community education regarding school administrative unit functions and board and staff roles and responsibilities.

VI. Plan and apply for federal and other grants on a department-wide basis.

VII. Promote the application of educational research.

VIII. Administer the provisions of RSA 193-C relative to the statewide educational improvement and assessment program.

IX. Oversee audit and financial monitoring functions which shall:

(a) Provide analytical reports of examinations conducted of the department's various divisions, bureaus, sections, programs and functions. Examinations shall be conducted and reports prepared in accordance with standards of governmental auditing and program evaluation specified by authoritative national standard setting bodies. Reports shall contain analyses, appraisals, comments, and recommendations relating to the accuracy and competence of accounting, financial, and management procedures in use.

(b) Insure compliance with federal grant requirements and review grantee and subgrantee compliance with all department grant requirements.

(c) Not assume any managerial, supervisory, or operational function, or direct action initiated as a result of the unit's recommendations.

X. Review, on an ongoing basis, the development and administration of standards.

21-N:5 Duties of Deputy Commissioner. The deputy commissioner shall, in accordance with applicable laws:

I. Provide for the following functions:

(a) Implementing the organizational goals, managing the work of the department, and directing the division directors in carrying out state and federal obligations.

(b) Assuring that the division directors comply with the procedures established by the commissioner relative to support for local schools under RSA 21-N:4, V.

(c) Personnel management.

(d) Developing and maintaining a system of accounting records and budget control procedures which meet all state and applicable federal accounting, purchasing, and reporting requirements.

(e) Property and contracts.

(f) Requiring and approving the development of short and long-range division level plans and their implementation.

(g) Rate setting, as specified under RSA 186-C:7, III. Such rate setting shall be accomplished in consultation with the department of health and human services and the department of administrative services.

(h) Administering finance and operations.

(i) Fiscal management of all federal and other grants.

II. Exercise, subject to the supervision of the commissioner, superior authority over the directors of the divisions of the department relative to areas of responsibility specified in this section.

21-N:6 Division of Educational Improvement. There is hereby established within the department the division of educational improvement, under the supervision of an unclassified director of educational improvement who shall be responsible for the following functions, in accordance with applicable laws:

I. Providing technical and consulting services in both academic and support areas to public elementary and secondary schools.

II. Administering the provisions of RSA 186-C relative to special education.

III. Administering federal and state programs designed to assist the education of students and teachers.

IV. Developing and administering standards governing the professional development of educators from pre-service preparation through ongoing professional growth.

V. Administering standards for approving elementary and secondary schools in accordance with rules adopted by the board under RSA 21-N:9, I.

VI. Administering department responsibilities for driver education.

21-N:7 Division of Program Support. There is hereby established within the department the division of program support, under the supervision of an unclassified director of program support who shall be responsible for the following functions, in accordance with applicable laws:

I. Administering standards for certifying and recertifying educational personnel, including monitoring local staff development efforts.

II. Assuring compliance with all federal equal opportunity and access requirements, including, but not limited to, those requirements concerning awareness and elimination of discrimination on the basis of sex, race, language, national origin, or disability.

III. Providing school building construction service and administering the school building aid program.

IV. Administering department responsibilities for nutrition programs and services.

V. Administering department responsibilities for information services.

VI. Collecting, compiling, analyzing, and reporting on education data.

21-N:8 Division of Career Technology and Adult Learning. There is hereby established within the department the division of career technology and adult learning, under the supervision of an unclassified director of career technology and adult learning who shall be responsible for the following functions, in accordance with applicable laws:

I. Administering career technology and adult learning programs.

II. Overseeing the administration of the provisions of RSA 200-C.

III. Overseeing the administration of federal social security disability determinations as authorized by the Social Security Administration.

IV. Overseeing the administration of the provisions of RSA 186-B relative to services to the blind.

V. Establishing regional vocational rehabilitation offices necessary for the administration of this section.

VI. Providing technical and consulting services to assist secondary vocational education efforts.

VII. Administering the provisions of RSA 186:61 and 186:62, relative to adult basic education, except functions assigned exclusively to the deputy commissioner, as provided by RSA 21-N:5.

2 "Blind Services" Changed to "Blind Services Program, Bureau of Vocational Rehabilitation." Amend RSA 72:37 to read as follows:

72:37 Exemption for the Blind. Every inhabitant who is legally blind as determined by the blind services *program*, [department of the] *bureau of* vocational rehabilitation [division of the] *department of* education [department] shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of \$15,000, and a city or town may exempt any amount it may determine is appropriate to address significant increases in property values in accordance with the procedures in RSA 72:36-b. The term "residential real estate" as used in this section shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and RSA 72:34.

3 Departmental Entity Titles Changed. Amend RSA 94:1-a, I, Group N:

I. By deleting:

(a) Director of standards and certification, department of education.

(b) Director of instructional services, department of education.

(c) Director of vocational rehabilitation, department of education.

II. By inserting:

(a) Director of program support, department of education.

(b) Director of educational improvement, department of education.

(c) Director of career technology and adult learning, department of education.

4 Director's Title Changed. Amend RSA 186:60, I(a) to read as follows:

(a) The director of the division of [standards and certification] *program support*, or [his] designee, who shall be the executive secretary of the board;

5 Division of Career Technology and Adult Learning Specified. Amend RSA 186:61, I to read as follows:

I. The state board of education shall establish and promote an educational program for adults to earn a high school diploma or its equivalent. This program shall be administered by the [school districts] *division of career technology and adult learning, department of education*, in accordance with the rules adopted by the state board.

6 Division of Career Technology and Adult Learning Specified. Amend RSA 186:62, I and the introductory paragraph of RSA 186:62, II to read as follows:

I. The state board of education shall promote and encourage other programs of adult and continuing education. The board shall adopt rules, pursuant to RSA 541-A, relative to standards and accreditation of those adult and continuing education programs which involve certification of adult learners at the high school level [and which are organized and administered exclusively by school district officials].

II. *These programs shall be administered by the division of career technology and adult learning.* The [state board of education] *division* shall:

7 Rulemaking Authority Transferred to Board. Amend RSA 186-B:3, II to read as follows:

II. The department of education shall develop or cooperate with other agencies in providing services to the blind, including the locating of blind persons, vocational guidance and training of the blind, placement of blind persons in employment, instruction of the adult blind in their homes and other services to blind persons. In connection with assistance to needy blind persons the [department] *board of education* shall give due consideration to the special needs associated with the condition of blindness and, in cooperation with the division of human services, department of health and human services, shall: (a) [promulgate] *adopt* rules [and regulations] stating in terms of ophthalmic measurements the amount of visual acuity which an applicant may have and be eligible for assistance and providing for an examination by an ophthalmologist or physician skilled in diseases of the eye or by an optometrist, whichever the individual may select, in making the determination whether the individual is eligible and fixing the fee for such examination; (b) establish the procedure for securing competent medical examination; (c) designate or approve a suitable number of ophthalmologists or physician skilled in diseases of the eye, and optometrists, who must be duly licensed or registered under the laws of this state and actively engaged in the practice of their professions, to examine applicants and recipients of aid to determine their eligibility for assistance; (d) fix the fees to be paid for medical examination from funds available to the division.

8 "Blind Services" Changed to "Blind Services Program, Bureau of Vocational Rehabilitation." Amend RSA 186-B:4, I-IV to read as follows:

I. The [administrator of] blind services *program, bureau of vocational rehabilitation*, shall prepare and maintain a register of the blind in the state, which shall describe their condition, cause of blindness, capacity for education and industrial training, and such other data as [he considers advisable] *deemed appropriate*.

II. The [administrator of] blind services *program, bureau of vocational rehabilitation*, shall [act as a bureau of] *provide* information and industrial aid for the blind, and for this purpose may furnish materials and tools to any blind person. [He] *The bureau* may assist blind persons engaged in home industries in marketing their products, in finding employment, and in developing home industries. [He] *The bureau* may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, and by such other methods as are expedient. However, [he] *the bureau* shall not undertake the permanent support or maintenance of any blind person.

III. The [administrator of] blind services *program, bureau of vocational rehabilitation*, shall furnish assistance to such blind persons, in such amounts and at such asylums, schools, or other institutions designed for the purpose of industrial aid to the blind as the department of education directs.

IV. The commissioner of education at [his] *the commissioner's* discretion may contribute to the support of the blind persons from New Hampshire receiving instruction in industrial institutions outside the state.

9 "Division" Changed to "Bureau." Amend RSA 186-B:10, II to read as follows:

II. "Blind services" means the administrative unit for the blind services program [of] *within* the [division] **bureau** of vocational rehabilitation, [of the] department of education [under the administrator of blind services].

10 New Section; Rulemaking Authority of the Board Added. Amend RSA 186-B by inserting after section 11 the following new section:

186-B:11-a Rulemaking Authority; Board of Education. The state board of education shall adopt rules, pursuant to RSA 541-A, to carry out the provisions of this chapter.

11 "Blind Services" Changed to "Division." Amend RSA 186-B:12 to read as follows:

186-B:12 Licenses. Blind services shall issue a license for the operation of a vending facility only to a blind person who is able, with [his] *such* disability, to operate a vending facility. In issuing any license, blind services shall give preference to a blind person who is a resident of this state. Each license issued shall be for an indefinite period, but may be terminated by blind services if it is satisfied that the facility is not being operated in accordance with [its rules] **rules adopted by the board of education under RSA 186-B:11-a.**

12 New Paragraph; Definition of Division of Educational Improvement. Amend RSA 186-C:2 by inserting after paragraph I-a the following new paragraph:

I-b. "Division" means the division of educational improvement, department of education.

13 "Special Education Bureau" Changed to "Division of Educational Improvement." RSA 186-C:3 is repealed and reenacted to read as follows:

186-C:3 Division of Educational Improvement; Special Education; Programs and Services. The department shall appoint and assign such personnel or contract for services as may be necessary for proper operation of special education programs. Special education services of the division of educational improvement shall be fully coordinated and integrated with the department's general curriculum and instruction activities.

14 "Special Education Bureau" Changed to "Division." Amend RSA 186-C:3-a, I-V to read as follows:

I. The [primary duty of the special education bureau] **division** shall [be to] help school districts meet their responsibilities under this chapter and under federal law regarding the education of [educationally disabled children] **students with educational disabilities.** The special education program of the department of education shall develop and analyze information on issues and problems of regional and statewide importance and on assisting school districts in dealing with these issues and problems. The department shall ensure that the [bureau's] regulation and monitoring of school district activities shall not exceed what is necessary for compliance with this chapter and with federal law regarding the education of [educationally disabled children] **students with educational disabilities.**

II. The [bureau] **division** shall, subject to available funding, develop, implement and evaluate statewide special education policies, standards and programs. In carrying out this mission, the [bureau] **division** shall gather and collect data and organize and analyze instruction about programs, conditions and trends in special education in the state. In addition, the [bureau] **division** shall be responsible for monitoring and maintaining information about national and regional trends, instructions and issues affecting special education in New Hampshire. The [bureau] **division** shall make this information available to the districts and use this information to:

(a) Assess the needs of school districts for assistance in carrying out their responsibilities for educating [disabled children] **students with educational disabilities;**

(b) Identify cost effective alternative programs for serving [educationally disabled children] **students with educational disabilities;**

(c) Focus resources on students requiring extensive services; and

(d) Develop cost and service level benchmarks for special education in New Hampshire which may be used as reference points by districts to measure the effectiveness of their programs in meeting educational goals and objectives.

III. The [special education bureau] **division** shall provide technical assistance and information to the school districts so that the districts may effectively and efficiently identify, clarify and address their specific responsibilities under state and federal special education laws. This assistance shall include the provision of mediation services to resolve special education

disputes and the provision of expertise regarding specific educationally disabling conditions. Whenever technical assistance of a specialized nature, beyond that available in the department, is required, the [bureau] *division* shall assume a leadership role in identifying sources of such assistance in other state agencies, the federal government, volunteer services or the private sector.

IV. The [special education bureau] *division* shall administer those federal and state funding programs for special education assigned to it by law. The [bureau] *division* shall also make recommendations to the state board regarding management systems, standard definitions and procedures in order to provide uniform reporting of special education services and expenditures by school districts and school administrative units.

V. The [special education bureau] *division* shall monitor the operations of local school districts regarding compliance with state and federal laws regarding the education of [educationally disabled students] *students with educational disabilities*. The [bureau's] *division's* regulatory program shall be structured and implemented in a prudent manner and shall not place an excessive administrative burden on local districts. The [bureau] *division* and districts shall approach monitoring and regulation in a constructive, cooperative manner with a goal of improving special education in New Hampshire.

15 Federal Vocational Rehabilitation Program; State Compliance. Amend RSA 200-C:1 to read as follows:

200-C:1 Federal Vocational Rehabilitation [Funds] *Program*. The commissioner of education, or if the commissioner of education delegates the authority in writing, the director of the division of vocational rehabilitation of the department of education, is authorized to make application to and receive funds from, to cooperate with, and to enter into any agreements with the federal government or any agency of the federal government to secure the participation of the United States government through the allotment of federal funds in the vocational rehabilitation program of this state. *The bureau of vocational rehabilitation shall comply with the requirements of the applicable federal laws including the determination of eligibility for the determination of the nature and scope of, and the provision of, vocational rehabilitation services under the state plan.*

16 "Blind Services" Changed to "Blind Services Program, Bureau of Vocational Rehabilitation." Amend RSA 219:21, II to read as follows:

219:21 Purchases and Certain Expenses.

II. The operating costs of the ski school, ski rental and repair, souvenir, and food services concessions at Mount Sunapee and Cannon Mountain ski areas and all state parks shall be a direct charge against gross sales receipts. RSA 186-B:9-15 shall not apply to these facilities, but the department of resources and economic development may contract for the operation of these facilities with *the blind services program, bureau of vocational rehabilitation* or any other party to insure maximum benefits and revenues to the state of New Hampshire. The director of state ski operations under RSA 12-A:26, I shall make the purchases for Mount Sunapee and Cannon Mountain ski operations.

17 "Blind Services" and "Vocational Rehabilitation" Changed to "Division of Career Technology and Adult Learning." Amend RSA 275-C:3 to read as follows:

275-C:3 Ex Officio Members. The following, or their designees, shall serve as ex officio members without a vote on the commission: (1) the commissioner of health and human services, (2) the [chief of the division] *administrator of the bureau* of vocational rehabilitation, [of the] department of education, (3) the supervisor of blind services [of the department of education, division] *bureau* of vocational rehabilitation, *department of education*, (4) the commissioner of labor, (5) the commissioner of the department of employment security, (6) a member of the state board of education designated by the governor, and (7) the director of the division of mental health and developmental services.

18 "Bureau of Blind Services" and "Vocational Rehabilitation" Changed to "Division of Career Technology and Adult Learning." Amend RSA 327:34 to read as follows:

327:34 Report to [Bureau of Blind Services] *Division of Career Technology and Adult Learning*. All registered optometrists in this state shall report, with the permission of the patient, all cases of vision examination results of 20/200 or less in the better eye, after correction, to the [bureau of blind services,] *division of [vocational rehabilitation] career tech-*

nology and adult learning, department of education. Such report shall contain the name and address of the examined individual, date of birth, the amount of vision in both eyes, and the cause of visual impairment. The information contained in said report shall be treated as confidential by the [bureau of blind services] *division*.

19 "Bureau of Blind Services" and "Vocational Rehabilitation" Changed to "Blind Services Program, Bureau of Vocational Rehabilitation." Amend RSA 329:20 to read as follows:

329:20-a Report to [Bureau of] Blind Services *Program, Bureau of Vocational Rehabilitation*. All licensed physicians practicing ophthalmology in this state shall report, with the permission of the patient, all cases of vision examination results of 20/200 or less, in the better eye, after correction, to the [bureau of] blind services *program*, [division] *bureau* of vocational rehabilitation, department of education. Such report shall contain the name and address of the examined individual, date of birth, the amount of vision in both eyes, and the cause of visual impairment. The information contained in said report shall be treated as confidential by the bureau [of blind services].

20 Change from "Special Education Bureau" or "Bureau of Special Education" to "Division of Educational Improvement." Amend the following RSA provisions by replacing "special education bureau" or "bureau of special education" with "division of educational improvement": RSA 21-I:18, I(i); 186:69; 186-C:7, III and IV; 186-C:21, I; 186-C:22, I and VI.

21 Change from "Vocational Rehabilitation Division" or "Division of Vocational Rehabilitation" to "Bureau of Vocational Rehabilitation." Amend the following RSA provisions by replacing "vocational rehabilitation division" or "division of vocational rehabilitation" with "bureau of vocational rehabilitation": RSA 21-I:18, I(h); 200-C:1-3; the introductory paragraph of 200-C:6-a, II; 200-C:7, I; 200-C:10; 200-C:14, I; 200-C:16-18; 200-C:20-a; 200-C:21; 200-C:22, I; 200-C:24; 200-C:25, I; and 521-A:7-8.

22 Change from "Director" to "Administrator". Amend the following RSA provisions by replacing "director" with "administrator": RSA 200-C:12-14.

23 Change from "Director," or "Director, Division of Vocational Rehabilitation" to "Board of Education." Amend the following RSA provisions by replacing "director" or "director, division of vocational rehabilitation" with "board of education": the introductory paragraph of RSA 200-C:8; 200-C:11, I; RSA 200-C:15; 200-C:20; 200-C:23; and 200-C:26.

24 Repeal. The following are repealed:

I. RSA 186-B:2, relative to appointment of a blind services administrator.

II. RSA 186-B:6 and 7, relative to blind services.

III. RSA 186-B:11, VI relative to adoption of rules relating to blind services.

IV. RSA 186-B:13, II, relative to vending facilities being operated on August 5, 1975.

V. RSA 186-C:3-a, VI, relative to bureau study of special education programs.

VI. RSA 186-C:4, relative to a comprehensive state special education plan.

VII. RSA 200-C:6, relative to program evaluations and access to vocational rehabilitation records.

25 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill revises the organizational structure and clarifies certain duties of the department of education, and changes the titles of certain departmental entities and administrators.

Certain obsolete or inapplicable provisions of law are repealed.

Adopted.

Report adopted and ordered to third reading.

HB 1537, establishing \$.50 as the maximum fee which state agencies or bodies may charge per page for copies of documents. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would establish a fixed fee for each page of copies of documents. HB 652, which passed the House on 1/11/94, dealt with changes in the Administrative Rules Act, RSA 541-A:1, IV, by establishing a fee process for all departments to use for copies. Much of the testimony was opposed to the flat fee. Therefore, the committee feels this bill is unnecessary. Vote 16-1.

Adopted.

HB 1551-FN-A, relative to the state's repayment of retirement costs for certain judicial branch employees and making an appropriation therefor. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: The policy committee that has oversight of the New Hampshire Retirement System has heard the testimony and looked into the history. We feel, very strongly, as indicated by the vote of 15 to 0, that this bill should pass. The committee in the discussion was very positive in their feelings that the individuals involved are now and have been during their employment members of the court system of New Hampshire. We strongly recommend that these funds should come from resources of the unified court system and should not be a charge against the state or the retirement system. Vote 15-0.

Adopted and referred to Appropriations.

HB 1432, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: This bill specifically does not endorse any person's lifestyle or activity. This bill does recognize that all of our citizens are entitled to civil rights as provided in our laws and our Constitution. The strong bi-partisan support of this bill demonstrates the need for the protection offered in this legislation. Vote 14-4.

Amendment (5021B)

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-14 to read as 2-15, respectively:

1 Statement of Intent. The legislature recognizes that individuals are subject to discrimination based on sexual orientation. The legislature also recognizes that all persons, regardless of sexual orientation, are entitled to civil rights. Nothing in this legislation shall be considered as approval or endorsement of any particular belief, behavior, characteristic or condition of any person to whom it may apply.

Adopted.

Rep. Frances Riley offered a floor amendment.

Floor Amendment (5185B)

Amend the bill by inserting after section 12 the following and renumbering the original sections 13-14 to read as 14-15, respectively:

13 New Section; Exemption. Amend RSA 354-A by inserting after section 18 the following new section:

354-A:18-a Exemption in Cases Regarding Sexual Orientation. Nothing in this chapter shall require employment, housing, or public accommodation to someone whose sexual orientation is morally or religiously objectionable to the employer or the provider of housing or public accommodation.

Reps. Frances Riley, Kennedy, Cogswell and Welch spoke in favor.

Rep. Newman spoke against and yielded to questions.

Reps. Gordon, Houlahan and Donna Sytek spoke against.

Rep. Trombly requested a quorum count. The Speaker declared a quorum present.

Reps. Lockwood and Rothhaus yielded to questions.

The floor amendment failed.

The question now being the adoption of the amended Committee report.

Rep. Lown yielded to questions.

Rep. Moncrief spoke against.

Roll call request sufficiently seconded.

YEAS 226 NAYS 131

YEAS 226

BELKNAP

CARROLL

Salatiello, Thomas

Beach, Mildred

Bradley, Jeb

Dickinson, Howard, Jr.

Mock, Henry

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Kingsbury, H. Thayer
Pearson, Gertrude
Riley, William

Bonneau, Sarah
Delano, Robert
Lynch, Margaret
Perry, David
Robertson, Timothy

Burnham, Daniel
Foster, Katherine
Manning, Joseph
Pratt, Irene
Russell, Ronald

Champagne, Richard
Hunt, John
Metzger, Katherine
Richardson, Barbara
Smith, Edwin

COOS

Bradley, Paula
Mears, Edgar

Harwell, Tyler

Hawkinson, Marie

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Gordon, Edward
Larson, Nils, Jr.
Wadsworth, Karen

Bean, Pamela
Copenhaver, Marion
Guest, Robert
McIlwaine, Deborah

Below, Clifton
Crory, Elizabeth
Ham, Bonnie
Nordgren, Sharon

Brown, Alson
Driscoll, William
LaMott, Paul
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Amidon, Eleanor
Bergeron, Lucien
Buckley, Raymond
Cowenhoven, Garret
Donovan, Francis
Dyer, Merton
Franks, Suzan
Haettenschwiller, Alphonse
Holt, David
Kurk, Neal
Lown, Elizabeth
Mittelman, David
O'Hearn, Jane
Philbrook, Paula
Rodgers, G. Philip
Soucy, Donna
Toomey, Kathryn
Weergang, Alida

Ahlgren, Madelyn
Arnold, Thomas, Jr.
Bergeron, Normand
Cepaitis, Elizabeth
Crotty, Edward
Drabinowicz, A. Theresa
Dykstra, Leona
Gage, Ruth
Hall, Betty
Holt, Mark
Lachut, Ervin
Lozeau, Donnalee
Moore, Elizabeth
O'Rourke, Joanne
Plourde, Alphonse
Sallada, Roland
Stewart, Thomas
Turgeon, Roland
Wheeler, Robert

Ahrens, Frederick
Asselin, Robert
Borsa, Andrew
Clemons, Jane
Daigle, Robert
Durham, Susan
Fields, Dennis
Gervais, Glen
Hanselman, Gregory
Jean, Claudette
Laughlin, J. Francis
Mercer, Robert
Morrissette, Roland
Perkins, Paul
Record, Alice
Sargent, Maxwell
Sullens, Joan
Upton, Barbara
White, John

Allen, W. Gordon
Bagley, Amy
Bowers, Dorothy
Cote, David
Domaingue, Jacquelyn
Dwyer, Patricia
Foster, Linda
Greenberg, Gary
Hart, Nick
Johnson, Lionel
Leclerc, Charles
Messier, Irene
Nardi, Theodora
Peters, Stanley
Reidy, Frank
Smith, Leonard
Tate, Joan
Vanderlosk, Stanley

MERRIMACK

Braiterman, Thea
Fillion, Paul
Hall, Douglas
Johnson, Joyce May
Newland, Matthew
Teague, Bert
Weeks, John, Jr.

Coughlin, Anne
French, Barbara
Holmes, Mary
Kidder, William
Owen, Derek
Trombly, Rick
Yeaton, Charles

Daneault, Gabriel
Gilbreth, Robert
Houlahan, Thomas
Lockwood, Robert
Regan, Maurice
Wallner, Mary Jane

Dunn, Miriam
Hager, Elizabeth
Johnson, C. William
Moore, Carol
Rogers, Katherine
Ward, Jay

ROCKINGHAM

Battles, Marjorie
Christie, Andrew, Jr.
Conroy, Janet
Dowling, Patricia
Gorman, Donald
Hutchinson, Karen
Lee, Rebecca
O'Keefe, Patricia

Case, Margaret
Clark, Martha
Crossman, Harold, Jr.
Flanagan, Natalie
Groves, Bonnie
Johnson, Robert
MacDonald, Maurice
Pratt, Katharin

Caswell, Albert, Jr.
Clark, Vivian
DiPietro, Carmela
Flanders, David
Hazelton, Robert
Kane, Cecelia
McGovern, Cynthia
Raynowska, Bernard

Chester, Sherman
Coes, Betsy
Dowd, Sandra
Gage, Beverly
Hurst, Sharleene
Katsakiores, Phyllis
Newman, Rick
Richards, David

Rosencrantz, James
St. Martin, Tommy
Sytek, John

Rubin, George
Stone, Joseph
Vaughn, Charles

Skinner, Patricia
Syracusa, Anthony
Williamson, William

Splaine, James
Sytek, Donna
Woods, Deborah

STRAFFORD

Brown, George
Gilmore, Gary
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Snyder, Clair
Wheeler, Katherine

Brown, Julie
Hambrick, Patricia
Kincaid, William
McCann, William, Jr.
Musler, George
Vincent, Francis

Callaghan, Frank
Hemon, Roland
Knowles, William
McGrath, J. Gregory
Pelletier, Arthur
Wall, Janet

Dunlap, Patricia
Hilliard, Dana
Loder, Suzanne
Merrill, Amanda
Rogers, Rose Marie
Wasson, Richard

SULLIVAN

Allison, David
Holl, Ann
Stamatakis, Carol

Behrens, Thomas
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Schotanus, Merle

NAYS 131

BELKNAP

Cain, Thomas
Holbrook, Robert
Rice, Thomas, Jr.
Ziegra, Alice

Campbell, Richard, Jr.
Johnson, Carl
Rosen, Ralph

Golden, Paul
Laffam, Robert
Smith, Linda

Hawkins, Robert
Lawton, David
Young, Niel

CARROLL

Allard, Nanci
Lyman, L. Randy

Chandler, Gene
Philbrick, Donald

Cogswell, Richard
Saunders, Howard

Foster, Robert
Wiggin, Gordon

CHESHIRE

Cole, Stacey

McNamara, Wanda

COOS

Coulombe, Henry

Foss, Frederic

Guay, Lawrence

Pratt, Leighton

GRAFTON

Brown, Channing
Scanlan, David

Chase, Paul, Jr.
Ward, Kathleen

Eaton, Stephanie

Rose, William

HILLSBOROUGH

Andrews, Frederick
Chabot, Robert
Fenton, James
Holden, Carol
Jean, Loren
L'Heureux, Robert
McCarty, Winston
Packard, Bonnie
Searles, Stanley, Sr.

Arnold, Barbara
Desrosiers, William
Ferguson, Charles
Holley, Sylvia
Kelley, Dana
Lefebvre, Roland
McRae, Karen
Pepino, Leo
Smart, John

Burke, M. Virginia
Dodge, Emma
Gagnon, Eugene
Hunter, Bruce
Kelley, Robert
Lessard, Rudy
Milligan, Robert
Riley, Frances
Wells, Peter, Sr.

Calawa, Leon, Jr.
Drolet, Paul
Gosselin, Gerald
Jasper, Shawn
Kirby, Thomas
Martin, Mary Ellen
Moncrief, Keith
Rothaus, Finlay
Wright, George

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Nichols, Avis
Whalley, Michael

Buessing, Marjorie
Kennedy, Richard
Pfaff, Terence
Willis, Jack

Chandler, Earle
Langer, Ray
Shaw, Randall

Chandler, John
Mitchell, Vernon
Stapleton, Henry

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Dube, LeRoy

Arndt, Janet
Buco, Stephen
Felch, Charles, Sr.

Beaulieu, Jon
Campbell, Marilyn
Fesh, Robert

Boucher, William
Drake, Herbert
Flanders, John, Sr.

Gargiulo, Louis
Klemarczyk, Thaddeus
Miller, Don
Pullman, Robert
Senter, Merilyn
Welch, David

Hemenway, Thomas
Klemm, Arthur, Jr.
Moore, Benjamin
Putnam, Ed, II
Smith, Arthur
Weyler, Kenneth

Johnson, Bill
Lovejoy, Marian
Noyes, Richard
Ritzo, Eugene
Stritch, C. Donald
Yennaco, Carol

Katsakiores, George
McKinney, Betsy
Packard, Sherman
Schanda, Joseph, Sr.
Warburton, Calvin

STRAFFORD

Chagnon, Ronald
Pageotte, Donald
Torr, Franklin

Douglass, Clyde
Spear, Barbara
Torr, Ralph

McKinley, Robert
Sullivan, Henry

Nehring, William
Torr, Ann

SULLIVAN

Domini, Irene

Lindblade, Eric

Rodeschin, Beverly

and the report was adopted.

Ordered to third reading.

Rep. Healy wished to be recorded in opposition to the bill.

RECONSIDERATION

Having voted with the prevailing side, Rep. Trombly moved that the House reconsider its action whereby it adopted the Committee Report of Ought to Pass with Amendment on **HB 1432**, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation.

Reconsideration lost.

SPECIAL ORDER

Rep. Hawkins moved that **HB 1492-FN**, establishing a procedure for the licensing of independent contractors and setting certain fees, be made a Special Order for Thursday, February 17.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1382, declaring a moratorium on toll hikes until a task force has studied the toll collection system and its recommendations have been implemented. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler and Rep. Gene G. Chandler for Public Works: The original bill called for a moratorium on toll hikes until a task force established therein completed a study of the turnpike toll collection system. The committee amendment deletes the moratorium (which would compromise state obligations on existing bond issues), revamps the study committee membership into an oversight committee, and appropriates \$150,000 for a consultant chosen by the oversight committee to undertake a comprehensive evaluation of the toll collection system. The scope of study addresses toll rate structure and discounts, closed system (all users pay) versus open system (present operation), operating efficiencies (e.g. electronic toll collection and location of toll plazas), and new opportunities available under Intermodal Surface Transportation Efficiency Act (e.g. Section 1012) such as private ownership of toll facilities (existing and new) and federal participation in tolled highways and bridges. The Committee feels strongly that if a study of the turnpike system is necessary and undertaken that the study should be unbiased and professionally done. It is hoped that in addition to answering a number of questions the study will be used as an educational tool regarding how the system operates and is funded. This comprehensive evaluation is given very high priority by the Public Works Committee and is most timely in view of heightened pressures from constituents interested in lowering tolls and those in raising tolls in a situation of very limited transportation resources and extensive unfilled transportation needs. Vote 16-0.

Amendment (5076B)

Amend the title of the bill by replacing it with the following:

AN ACT

creating a special committee to study the turnpike toll collection system and make recommendations.

Amend the bill by replacing all after the enacting clause with the following:

1 Toll Collection System Study Committee; Members.

I. There is created a committee to study the toll collection system. The members of the committee shall be as follows:

(a) One member appointed by the governor.

(b) Two representatives, appointed by the speaker. One shall represent a municipality that has direct access to the turnpike system, and one shall represent a municipality that does not have direct access to the turnpike system.

(c) Two senators, appointed by the president of the senate. One shall represent a district that has direct access to the turnpike system, and one shall represent a district that does not have direct access to the turnpike system.

(d) The commissioner of the department of transportation, or designee.

(e) A member of the executive council, appointed by the governor.

(f) A member from the American Automobile Association (AAA), appointed by the association.

(g) A member from the motor transport industry, appointed by the governor.

2 Duties.

I. The committee shall:

(a) Select a qualified consultant to perform a study of the toll collection system. The department of transportation shall provide technical and clerical support.

(b) Provide guidance and direction to the consultant.

(c) Evaluate the results of the study and make recommendations relative to improving the system.

(d) Oversee conduct of the study with appropriate consideration of existing legal requirements for the turnpike system.

(e) The study shall be completed December 1, 1994, and a report with recommendations by the committee shall be submitted no later than December 31, 1994, to the governor, speaker of the house and president of the senate.

II. The committee's study shall:

(a) Evaluate the current toll rate structure and make recommendations.

(b) Evaluate a closed toll collection system (all users pay) versus an open toll collection system (present operation) and make recommendations.

(c) Review and recommend cost and operating efficiencies for the turnpike system. This shall include, but not be limited to, electronic toll collection and the location of toll plazas.

(d) Evaluate and recommend turnpike options utilizing provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

(e) Evaluate the present token and discount programs on the turnpike system and make recommendations.

(f) Perform a traffic survey to determine travel patterns for both users and non-users of the turnpike and reasons for use or non-use of the turnpike system.

(g) Review and recommend alternative funding methods for turnpike projects.

(h) Complete other tasks, as necessary, in order to provide recommendations to improve the toll collection system.

(i) All recommendations shall be in compliance with the legal requirements as set forth in the bond resolution.

3 Appropriation. The sum of \$150,000 is hereby appropriated to the department of transportation for the study from the turnpike fund. The appropriation shall be non-lapsing and in addition to any other appropriations to the department of transportation. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the turnpike toll collection system.

Adopted.

Report adopted and referred to Appropriations.

HB 1518-A, appropriating funds for the design and construction of an easterly approach from the Scammell bridge to the Spaulding turnpike. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for Public Works: This bill appropriates \$1 million for design and construction of improvements to the easterly approach to the Scammell bridge from the Spaulding turnpike. Since the Scammell bridge is to be replaced in fiscal year 1995, the committee believes it is appropriate to upgrade this short segment in the same time frame. The recent decision to drop the East-West highway reinforces this committee's recommendation. The amendment shifts the appropriation to the turnpike fund. Vote 12-4.

Amendment (5013B)

Amend the bill by replacing section 2 with the following:

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,000,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provision of RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the turnpike fund.

Adopted.

Report adopted and referred to Appropriations.

HB 1196-FN, changing the composition of the liquor commission. **INEXPEDIENT TO LEGISLATE**

Rep. Leona Dykstra for Regulated Revenues: Rather than sending this bill to interim study, the majority felt that Inexpedient to Legislate was more appropriate. There is a comprehensive evaluation of the entire liquor commission operation being done by LBA personnel at the direction of the Legislative Audit and Oversight Committee. This report is expected by early summer. For the committee to have a corresponding study ongoing was not deemed practical. The Committee also felt that reducing the liquor commission from three members to one would give too much power to one commissioner. Enforcement of liquor laws, increased workloads for other employees and no costs savings were also concerns. Vote 13-6.

Rep. Burling moved that the words Refer for Interim Study be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Dykstra spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 153 NAYS 197

YEAS 153

BELKNAP

Campbell, Richard, Jr.

Rice, Thomas, Jr.

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Pratt, Irene

Burnham, Daniel
Kingsbury, H. Thayer
Richardson, Barbara

Champagne, Richard
Lynch, Margaret
Robertson, Timothy

DePecol, Benjamin
Manning, Joseph
Russell, Ronald

COOS

Bradley, Paula
Hawkinson, Marie

Coulombe, Henry
Mears, Edgar

Foss, Frederic

Harwell, Tyler

GRAFTON

Adams, Carl
Guest, Robert
Nordgren, Sharon

Below, Clifton
Ham, Bonnie

Chase, Paul, Jr.
LaMott, Paul

Copenhaver, Marion
McIlwaine, Deborah

HILLSBOROUGH

Ahern, Richard
Bagley, Amy

Ahlgren, Madelyn
Bergeron, Lucien

Allen, W. Gordon
Bergeron, Normand

Asselin, Robert
Borsa, Andrew

Buckley, Raymond
Daigle, Robert
Foster, Linda
Haettenschwiller, Alphonse
Jean, Claudette
Laughlin, J. Francis
Martin, Mary Ellen
Morrisette, Roland
O'Rourke, Joanne
Plourde, Alphonse
Smith, Leonard
White, John

Cepaitis, Elizabeth
Donovan, Francis
Gage, Ruth
Hanselman, Gregory
Johnson, Lionel
Leclerc, Charles
McCarty, Winston
Murphy, Robert
Pepino, Leo
Reidy, Frank
Soucy, Donna

Clemons, Jane
Drabinowicz, A. Theresa
Gervais, Glen
Holley, Sylvia
Kirby, Thomas
Lessard, Rudy
Mittelman, David
Nardi, Theodora
Peters, Stanley
Rodgers, G. Philip
Stewart, Thomas

Cote, David
Dwyer, Patricia
Gosselin, Gerald
Holt, Mark
Lachut, Ervin
Lozeau, Donnalee
Moore, Elizabeth
O'Hearn, Jane
Philbrook, Paula
Smart, John
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Feuerstein, Martin
Lockwood, Robert
Owen, Derek
Wallner, Mary Jane

Coughlin, Anne
French, Barbara
Mitchell, Vernon
Regan, Maurice
Ward, Jay

Daneault, Gabriel
Houlahan, Thomas
Moore, Carol
Rogers, Katherine
Weeks, John, Jr.

Dunn, Miriam
Johnson, Joyce May
Newland, Matthew
Trombly, Rick
Yeaton, Charles

ROCKINGHAM

Caswell, Albert, Jr.
Gargiulo, Louis
McGovern, Cynthia
Splaine, James
Warburton, Calvin

Clark, Martha
Groves, Bonnie
O'Keefe, Patricia
St. Martin, Tommy

Coes, Betsy
Johnson, Robert
Rosencrantz, James
Syracusa, Anthony

DiPietro, Carmela
Kane, Cecelia
Schanda, Joseph, Sr.
Vaughn, Charles

STRAFFORD

Brown, George
Hambrick, Patricia
Knowles, William
McKinley, Robert
Pelletier, Arthur
Spear, Barbara
Wall, Janet

Callaghan, Frank
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Pelletier, Marsha
Sullivan, Henry
Wheeler, Katherine

Chagnon, Ronald
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose Marie
Torr, Ralph

Gilmore, Gary
Kincaid, William
McGrath, J. Gregory
Pageotte, Donald
Snyder, Clair
Vincent, Francis

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

NAYS 197

BELKNAP

Cain, Thomas
Johnson, Carl
Smith, Linda

Golden, Paul
Laffam, Robert
Young, Niel

Hawkins, Robert
Lawton, David
Ziegler, Alice

Holbrook, Robert
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
McNamara, Wanda
Young, David

Cole, Stacey
Pearson, Gertrude

Delano, Robert
Perry, David

Hunt, John
Smith, Edwin

COOS

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

GRAFTON

Bean, Pamela
Eaton, Stephanie
Scanlan, David

Brown, Alson
Gordon, Edward
Teschner, Douglass

Brown, Channing
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Patricia
Rose, William
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Chabot, Robert
Dodge, Emma
Dykstra, Leona
Franks, Suzan
Holden, Carol
Jean, Loren
L'Heureux, Robert
Messier, Irene
Perkins, Paul
Sallada, Roland
Tate, Joan
Weergang, Alida

Amidon, Eleanor
Bowers, Dorothy
Cowenhoven, Garret
Domaingue, Jacquelyn
Fenton, James
Gagnon, Eugene
Holt, David
Kelley, Dana
Lown, Elizabeth
Milligan, Robert
Record, Alice
Sargent, Maxwell
Turgeon, Roland
Wells, Peter, Sr.

Andrews, Frederick
Burke, M. Virginia
Crotty, Edward
Drolet, Paul
Ferguson, Charles
Greenberg, Gary
Hunter, Bruce
Kelley, Robert
McRae, Karen
Moncrief, Keith
Riley, Frances
Searles, Stanley, Sr.
Upton, Barbara
Wheeler, Robert

Arnold, Barbara
Calawa, Leon, Jr.
Desrosiers, William
Durham, Susan
Fields, Dennis
Hart, Nick
Jasper, Shawn
Kurk, Neal
Mercer, Robert
Packard, Bonnie
Rothhaus, Finlay
Sullens, Joan
Vanderlosk, Stanley
Wright, George

MERRIMACK

Barberia, Richard
Fillion, Paul
Holmes, Mary
Langer, Ray
Stapleton, Henry
Willis, Jack

Buessing, Marjorie
Gilbreth, Robert
Johnson, C. William
Nichols, Avis
Teague, Bert

Chandler, Earle
Hager, Elizabeth
Kennedy, Richard
Plaff, Terence
Whalley, Michael

Chandler, John
Hall, Douglas
Kidder, William
Shaw, Randall
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Chester, Sherman
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Hazelton, Robert
Johnson, Bill
Klemm, Arthur, Jr.
McKinney, Betsy
Pratt, Katharin
Richards, David
Skinner, Patricia
Sytek, Donna
Williamson, William

Arndt, Janet
Buco, Stephen
Christie, Andrew, Jr.
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Hemenway, Thomas
Katsakiores, George
Lee, Rebecca
Miller, Don
Pullman, Robert
Ritzo, Eugene
Smith, Arthur
Sytek, John
Woods, Deborah

Beaulieu, Jon
Campbell, Marilyn
Clark, Vivian
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Hurst, Sharleene
Katsakiores, Phyllis
Lovejoy, Marian
Noyes, Richard
Putnam, Ed, II
Rubin, George
Stone, Joseph
Welch, David
Yennaco, Carol

Boucher, William
Case, Margaret
Conroy, Janet
Drake, Herbert
Flanagan, Natalie
Gorman, Donald
Hutchinson, Karen
Klemarczyk, Thaddeus
MacDonald, Maurice
Packard, Sherman
Raynowska, Bernard
Senter, Merilyn
Stritch, C. Donald
Weyler, Kenneth

STRAFFORD

Brown, Julie
Musler, George
Wasson, Richard

Douglass, Clyde
Nehring, William

Dunlap, Patricia
Torr, Ann

Hilliard, Dana
Torr, Franklin

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly
Schotanus, Merle

Domini, Irene

Lindblade, Eric

and the motion failed.

Report adopted.

Reps. McCann and Battles declared a conflict of interest and did not participate.

HB 260-FN-A, establishing a used oil collection program and an automotive oil fee to fund such program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alphonse O. Plourde for Ways and Means: This bill establishes a grant and educational program for municipalities to dispose of used oil. It does not create any new positions at the Department of Environmental Services (DES) and maximizes the number of grants annually to municipalities. Vote 18-0.

Amendment (5085B)

Amend RSA 147-B:13, I(a) as inserted by section 7 of the bill by replacing it with the following:

(a) Award grants to political subdivisions of the state to pay no more than \$1,500 of the cost of establishing or improving used oil collection centers at public facilities such as fire stations, police barracks, highway departments, county garages, solid waste facilities or other suitable public locations; and provide technical assistance to persons who organize such programs. If the cost of establishing or improving any such used oil collection center is \$1,500 or less, the division shall award a grant for the entire cost. In providing funding under this subparagraph, priority shall be given to political subdivisions without public collection centers followed by political subdivisions that have inadequate collection centers.

Amend the bill by replacing all after section 10 with the following:

11 Oil Import Records. Amend RSA 21-P:14, V(q) to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3 and RSA 146-E:3 after consultation with the division of water supply and pollution control, and the oil fund disbursement board[, and pursuant to RSA 147-B:12 after consultation with the division of waste management].

12 Exemption Added. Amend RSA 146-A:11-b, II to read as follows:

II. Any person who imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed by the department of safety under this chapter. The annual fee for the license shall be \$.001 per gallon of oil imported into this state. The fee shall be paid monthly by such person to the department of safety and then deposited by the department of safety into the oil pollution control fund administered by the division of water supply and pollution control. Imposition of the fee shall be based on the records of the person and certified as accurate to the department of safety. *The fee set in this paragraph shall not apply when the oil is packaged in individual containers of 55 gallons or less.*

13 Collection of Fees Responsibility Repealed. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b, RSA 146-D:3, and RSA 146-E:3 and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the division of water supply and pollution control, and the oil fund disbursement board. [The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the division of waste management.]

14 Position Authorized; Motor Vehicle Prohibition. The department of environmental services may use revenues collected under RSA 147-B:12 to employ one person who shall be a waste management specialist III. The revenues shall not be used to purchase any motor vehicles.

15 Audit Required. The legislative budget assistant shall conduct a performance audit of the used oil collection program for the 1995 and 1996 fiscal years. The audit shall be submitted to the governor, president of the senate, speaker of the house and house environment and agriculture committee and senate environment committee by November 1, 1996.

16 Repeal. The following are repealed:

I. RSA 147-B:2, I-a, relative to the definition of "automotive oil."

II. RSA 147-B:2, VIII-c, relative to the definition of "marketer."

III. RSA 147-B:2, VIII-d, relative to the definition of "act of marketing."

IV. RSA 147-B:6, I-d, relative to the separate accounting of oil collection fees.

V. RSA 147-B:7, IV, relative to rulemaking.

VI. RSA 147-B:8, I-a, relative to the fee on used oil.

VII. RSA 147-B:12, relative to automotive oil fees.

VIII. RSA 147-B:13, relative to the use of automotive oil fees.

IX. RSA 147-B:15, relative to the division of waste management annual report.

17 Effective Date.

I. Sections 11-13 and paragraphs I, IV, V, VII, VIII and IX of section 16 of this act shall take effect July 1, 1998.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes a used oil collection program which grants authority to the division of waste management to:

(a) Award grants to political subdivisions of the state to establish or improve used oil collection centers.

(b) Develop an educational program on the proper use, handling, and disposal of used oil.

(c) Impose an automotive oil fee to fund the program.

The bill also eliminates a \$.02 per gallon used oil marketer fee; establishes a \$.04 per gallon advanced disposal fee on virgin motor oil; provides 4 years of grant funding to municipalities to set up used oil collection centers; and sunsets the \$.04 per gallon fee and municipal grants after 4 years.

Adopted.

Report adopted and referred to Appropriations.

HB 1258, establishing a committee to study use of tax credits to aid in job creation. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara E. Arnold for Ways and Means: Other studies of this subject are currently underway (including HB 592, Chapter 309 from last session), so the committee believes this legislation is not needed at this time. Vote 18-0.

Adopted.

HB 1549-FN-A, proposing a 2 percent tax on pet products to fund a spay/neuter program. **INEXPEDIENT TO LEGISLATE**

Rep. Garret P. Cowenhoven for Ways and Means: This bill would levy a special sales tax on pet products, proceeds of which would be dedicated to a pet population control fund. However, pet neutering legislation was enacted last year and is just now coming into operation and needs more time for effective evaluation. Although the bill's intent is worthy, the committee agreed unanimously that this tax is inappropriate. Vote 17-0.

Adopted.

(Rep. Cole in the Chair)

HB 1563-FN-A, imposing a value added tax and repealing certain state and municipal taxes and fees. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Ways and Means: Members of Ways and Means were almost unanimously impressed by the potential for revenue of the value added tax (VAT) as presented in HB 1563. However, since the additional thrust of HB 1563 is the repeal of some 20 existing taxes, such repeals could dilute attention to the VAT, therefore, the committee has chosen to form a tax study subcommittee with VAT as the major subject. Vote 10-8.

Rep. Harwell moved that the words Refer for Interim Study be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Cowenhoven spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 120 NAYS 229

YEAS 120

BELKNAP

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Richardson, Barbara

Burnham, Daniel
Lynch, Margaret
Riley, William

Champagne, Richard
Metzger, Katherine
Robertson, Timothy

Foster, Katherine
Pratt, Irene

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry

Harwell, Tyler

Hawkinson, Marie

GRAFTON

Below, Clifton
Ham, Bonnie

Copenhaver, Marion
McIlwaine, Deborah

Crory, Elizabeth
Nordgren, Sharon

Guest, Robert

HILLSBOROUGH

Ahern, Richard
Bergeron, Normand
Foster, Linda
Haettenschwiller, Alphonse
Johnson, Lionel
Lefebvre, Roland
Nardi, Theodora
Reidy, Frank
Toomey, Kathryn

Ahlgren, Madelyn
Clemons, Jane
Gage, Ruth
Hall, Betty
Kirby, Thomas
Lessard, Rudy
Peters, Stanley
Smart, John
White, John

Asselin, Robert
Crotty, Edward
Gervais, Glen
Hanselman, Gregory
Laughlin, J. Francis
Martin, Mary Ellen
Philbrook, Paula
Soucy, Donna

Bergeron, Lucien
Daigle, Robert
Gosselin, Gerald
Jean, Claudette
Leclerc, Charles
Morrisette, Roland
Plourde, Alphonse
Stewart, Thomas

MERRIMACK

Braiterman, Thea
French, Barbara
Kennedy, Richard
Regan, Maurice
Ward, Jay

Coughlin, Anne
Gilbreth, Robert
Moore, Carol
Rogers, Katherine
Weeks, John, Jr.

Daneault, Gabriel
Hall, Douglas
Newland, Matthew
Trombly, Rick
Yeaton, Charles

Dunn, Miriam
Johnson, Joyce May
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Buco, Stephen
Coes, Betsy
O'Keefe, Patricia
St. Martin, Tommy

Campbell, Marilyn
DiPietro, Carmela
Rosencrantz, James
Syracusa, Anthony

Caswell, Albert, Jr.
Groves, Bonnie
Schanda, Joseph, Sr.

Clark, Martha
Kane, Cecelia
Splaine, James

STRAFFORD

Brown, George
Hambrick, Patricia
Loder, Suzanne
Merrill, Amanda
Rogers, Rose Marie
Wall, Janet

Callaghan, Frank
Hemon, Roland
Lundborn, Raymond
Merritt, Deborah
Snyder, Clair
Wheeler, Katherine

Chagnon, Ronald
Hilliard, Dana
McCann, William, Jr.
Pelletier, Arthur
Sullivan, Henry

Gilmore, Gary
Knowles, William
McGrath, J. Gregory
Pelletier, Marsha
Vincent, Francis

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John

Holl, Ann

NAYS 229**BELKNAP**

Cain, Thomas
Holbrook, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Johnson, Carl
Smith, Linda

Golden, Paul
Lawton, David
Young, Niel

Hawkins, Robert
Rice, Thomas, Jr.
Ziegra, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Manning, Joseph
Smith, Edwin

DePecol, Benjamin
McNamara, Wanda
Young, David

Delano, Robert
Pearson, Gertrude

Hunt, John
Perry, David

COOS

Burns, Harold
Pratt, Leighton

Foss, Frederic

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Larson, Nils, Jr.
Wadsworth, Karen

Bean, Pamela
Chase, Paul, Jr.
Rose, William
Ward, Kathleen

Brown, Alson
Eaton, Stephanie
Scanlan, David

Brown, Channing
Gordon, Edward
Teschner, Douglass

HILLSBOROUGH

Ahrens, Frederick
Arnold, Barbara
Bowers, Dorothy
Cepaitis, Elizabeth
Desrosiers, William
Drabinowicz, A. Theresa
Ferguson, Charles
Greenberg, Gary
Holt, David
Jean, Loren
L'Heureux, Robert
McCarty, Winston
Mittelman, David
O'Hearn, Jane
Perkins, Paul
Rothhaus, Finlay
Smith, Leonard
Upton, Barbara
Wheeler, Robert

Allen, W. Gordon
Arnold, Thomas, Jr.
Buckley, Raymond
Chabot, Robert
Dodge, Emma
Drolet, Paul
Fields, Dennis
Hart, Nick
Holt, Mark
Kelley, Dana
Lachut, Ervin
McRae, Karen
Moncrief, Keith
O'Rourke, Joanne
Record, Alice
Sallada, Roland
Sullens, Joan
Vanderlosk, Stanley
Wright, George

Amidon, Eleanor
Bagley, Amy
Burke, M. Virginia
Cote, David
Domaingue, Jacquelyn
Durham, Susan
Franks, Suzan
Holden, Carol
Hunter, Bruce
Kelley, Robert
Lown, Elizabeth
Mercer, Robert
Moore, Elizabeth
Packard, Bonnie
Riley, Frances
Sargent, Maxwell
Tate, Joan
Weergang, Alida

Andrews, Frederick
Borsa, Andrew
Calawa, Leon, Jr.
Cowenhoven, Garret
Donovan, Francis
Fenton, James
Gagnon, Eugene
Holley, Sylvia
Jasper, Shawn
Kurk, Neal
Lozeau, Donnalee
Messier, Irene
Murphy, Robert
Pepino, Leo
Rodgers, G. Philip
Searles, Stanley, Jr.
Turgeon, Roland
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Houlahan, Thomas
Lockwood, Robert
Stapleton, Henry
Willis, Jack

Buessing, Marjorie
Fillion, Paul
Johnson, C. William
Mitchell, Vernon
Teague, Bert

Chandler, Earle
Hager, Elizabeth
Kidder, William
Pfaff, Terence
Whalley, Michael

Chandler, John
Holmes, Mary
Langer, Ray
Shaw, Randall
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Christie, Andrew, Jr.
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Hazelton, Robert

Arndt, Janet
Bove, Martin
Clark, Vivian
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Hemenway, Thomas

Battles, Marjorie
Case, Margaret
Conroy, Janet
Drake, Herbert
Flanagan, Natalie
Gargiulo, Louis
Hurst, Sharleene

Beaulieu, Jon
Chester, Sherman
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Gorman, Donald
Hutchinson, Karen

Johnson, Bill
Klemarczyk, Thaddeus
MacDonald, Maurice
Packard, Sherman
Raynowska, Bernard
Senter, Marilyn
Stritch, C. Donald
Welch, David
Yennaco, Carol

Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pratt, Katharin
Richards, David
Skinner, Patricia
Sytek, Donna
Weyler, Kenneth

Katsakiores, George
Lee, Rebecca
Miller, Don
Pullman, Robert
Ritzo, Eugene
Smith, Arthur
Sytek, John
Williamson, William

Katsakiores, Phyllis
Lovejoy, Marian
Noyes, Richard
Putnam, Ed, II
Rubin, George
Stone, Joseph
Warburton, Calvin
Woods, Deborah

STRAFFORD

Brown, Julie
Kincaid, William
Pageotte, Donald
Torr, Ralph

Douglass, Clyde
McKinley, Robert
Spear, Barbara
Wasson, Richard

Dunlap, Patricia
Musler, George
Torr, Ann

Keans, Sandra
Nehring, William
Torr, Franklin

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Domini, Irene
Stamatakis, Carol

Lindblade, Eric

Rodeschin, Beverly

and the motion failed.

Report adopted.

Rep. Nichols wished to be recorded in opposition to the motion.

SPECIAL ORDERS

Rep. Ann Torr moved that **HB 1243**, requiring "johns" to publish their convictions in local newspapers, **HB 1521-FN**, restricting the courts' penalties for civil and criminal contempt, and **HB 1127**, requiring timely mailing of payments or remittances relating to tax liens and tax sales, tax lien and tax sale redemptions, and payments of subsequent taxes, be made Special Orders for March 10, 1994.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1522-FN, to establish the department of the state law library. **INEXPEDIENT TO LEGISLATE**

Rep. J. Gregory McGrath for Executive Departments and Administration: The sponsor's concerns regarding the state law library are being addressed by the judicial branch. They are aware of the main problems with the library and are working to fix them in a timely manner. The sponsor's idea of having branch law libraries at the county level, while laudable, would be a drain on scarce financial resources and not really necessary. Vote 17-0.

Rep. Hemon moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. McGrath spoke against.

The motion failed and the report was adopted.

SB 43, relative to the state board of auctioneers. **OUGHT TO PASS WITH AMENDMENT**

Rep. William F. Kidder for Executive Departments and Administration: The only goal of this bill as amended is to provide for greater public protection in the field of auctioneering. The committee realizes that many people know very little about auctions. Unfortunately, many people only become aware of the possible pitfalls involved in hiring an auctioneer after having a bad experience. With this in mind, the committee felt it necessary to create safeguards for the general public while at the same time not restricting the trade of the auctioneers. This amendment represents a balance between these two interests. Vote 15-0.

Rep. Sallada moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and withdrew his motion.

Amendment (4022B)

Amend the bill by replacing all after the enacting clause with the following:

1 Board Membership Increased. Amend RSA 311-B:2 to read as follows:

311-B:2 State Board of Auctioneers.

I. There is hereby established a state board of auctioneers consisting of [5] 7 members, including 4 auctioneers and [one] 3 public [member] *members*, appointed by the governor with the advice of the council for terms of 5 years. Terms shall expire March 1. All board members shall be residents of this state and no board member shall serve more than 2 consecutive terms.

II. The public [member] *members* of the board shall be [a person] *persons* who [is] *are* not, and never [was] *were*, [a member] *members* of the auctioneering profession or [the spouse] *spouses* of any such [person] *persons*, and who [does] *do* not have, and never [has] *have* had, a material financial interest in either the provision of such professional services [or], an activity directly related [thereto] *to such professional services, or an activity in direct or indirect competition with auctioneering*, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

III. The board shall elect a [chairman and secretary] *chairperson biennially beginning in April 1995* from among its members. [The secretary shall quarterly submit minutes of board meetings and reports of board activities to the secretary of state.] *Minutes of all board meetings shall be kept on file at the office of the board.*

IV. All board members shall [serve without] *receive compensation of \$25 per diem and that mileage reimbursement as allowed by the state.*

V. *When an investigation is performed by a board member, such investigation shall be assigned on a rotating basis among the auctioneer members of the board.*

2 License Application and Renewal. Amend RSA 311-B:3 to read as follows:

311-B:3 Rulemaking Authority. The board[, with the approval of the secretary of state,] shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for [registration] *licensure* and renewal of [registration;] *license, including the requirements for continuing education as a condition of license renewal.*

II. The qualifications of applicants in addition to those requirements set by statute, and including the qualifications for satisfactory evidence of good professional character[;].

II-a. The administration of a written licensing examination.

III. The establishment of all fees required under this chapter[;].

III-a. The form and content of the license application, including any verification of the information thereon the board deems necessary[;].

IV. Ethical and professional standards required to be met by each holder of a license under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards[;].

V. Matters related to the proper administration of this chapter[; and].

VI. Procedures for the conduct of *investigations and* hearings consistent with the requirements of due process.

VII. The minimum content requirements of written auction contracts.

VIII. The assessment of administrative fines.

IX. The informational sheet required under RSA 311-B:8-a, VIII to include relevant information regarding state and federal laws.

3 New Paragraphs; Auctioneer Liability; Corporations. Amend RSA 311-B:4 to read as follows:

311-B:4 Acts Prohibited.

I. No person shall engage in auctioneering [for a fee or commission] unless [he] *such person* has first obtained a license under this chapter. However, a licensed auctioneer may employ apprentice auctioneers to assist him.

II. The auctioneer listed in the auction advertisement shall be liable for the conduct and proceeds of the auction and payment to all consignors.

III. No corporation or business entity shall offer or purport to offer auctioneer services unless a principal of such corporation or business entity is a licensed auctioneer under this chapter.

4 Revised Section; Qualifications; Examination Required. RSA 311-B:5 is repealed and reenacted to read as follows:

311-B:5 Qualifications. The board shall grant licensure to any applicant who:

I.(a) Submits an application to the board of auctioneers containing required information.

(b) Files a bond as required by RSA 311-B:8.

(c) Submits recommendations from 2 resident New Hampshire licensed auctioneers certifying that the applicant is trustworthy and competent to auction real, personal and mixed property in such a manner so as to safeguard the interests of the public. Non-resident applicants may satisfy this requirement by submitting such recommendations from 2 resident auctioneers in the state of which the applicant is resident.

(d) Submits proof of competence in one of the following forms:

(1) An affidavit from a New Hampshire licensed auctioneer certifying that the applicant has served as an apprentice auctioneer for such New Hampshire licensed auctioneer for a period of not less than 6 months and has participated as a bid caller in not less than 10 auctions under such New Hampshire licensed auctioneer; or

(2) A certificate of graduation from an approved auctioneering school and an affidavit from a New Hampshire licensed auctioneer certifying that the applicant has served as an apprentice auctioneer for such New Hampshire licensed auctioneer for a period of not less than 3 months and has participated as a bid caller in not less than 5 auctions under such New Hampshire licensed auctioneer; or

(3) A certified copy of a valid current auctioneer's license held by the applicant from any other state issued by the appropriate state agency.

(e) Submits the fee established by the board for licensure or renewal.

(f) Has successfully passed a written examination administered by the board of auctioneers.

II. If the applicant is a firm, partnership, association, or corporation, the individual applying for the firm, partnership, association or corporation shall be the licensee and shall meet all the requirements under RSA 311-B.

5 Bond for Duration of License. Amend RSA 311-B:8 to read as follows:

311-B:8 Bond. No license shall be granted until the applicant has filed a bond with the [secretary of state] *board of auctioneers* in the sum of \$10,000, *for the duration of the license*, with sureties approved by the secretary of state, conditioned that he will properly account for and deliver to the person entitled, all moneys and things of value coming into his hands as an auctioneer and will conform to the laws relating to such auctions. All bonds required under this chapter shall be purchased from a reputable company authorized to do business in this state.

6 New Sections; Auctioneer Contracts; Records; Conditions of Auction Sales. Amend RSA 311-B by inserting after section 8 the following new sections:

311-B:8-a Auctioneer Contracts. A person shall not conduct an auction in this state without first having a written contract with the owner of any property to be sold. A contract must also specify the terms and conditions of the agreement, including, but not limited to:

I. A description of property to be offered for sale.

II. Specific reserves, if any.

III. A statement of settlement terms in which payment shall be within 10 business days of the auction, unless otherwise agreed to by both parties in the contract.

IV. The commission rate.

V. A statement of other charges.

VI. The buyer's premium, if applicable.

VII. The name and address of the consignor and such consignor's legal right to sell.

VIII. A copy of the information sheet provided by the state board of auctioneers.

311-B:8-b Records to be Kept by Auctioneers. The responsible auctioneer shall keep records of the auction including, but not limited to, contracts, bidders, consignors, and receipts. These records shall be kept in such manner so as to allow reconstruction of the auction in the event of a complaint.

311-B:8-c Terms and Conditions of the Auction Sales. Every licensee shall post for display and describe at the beginning of each auction the terms and conditions of the auction sale. The terms and conditions shall include:

I. A description of the conditions under which the property is being offered.

II. That the highest bid will be acknowledged by the auctioneer.

III. Whether a bid not commensurate with value, in the opinion of the auctioneer, may be accepted.

IV. Whether absentee bids will be allowed.

V. Whether or not the auction is with reserve.

VI. A statement of buyer's premium.

VII. That all buyers shall be entitled to a written receipt of their purchases.

7 Fees; License Renewal. RSA 311-B:10 is repealed and reenacted to read as follows:
311-B:10 Fees; Renewal.

I. Licenses shall expire every 3 years on August 31.

II. Fees for licensure or renewal of a license under this chapter shall be established by the board.

III. As a condition of renewal of license, the board shall require each licensee to show proof that the licensee has successfully completed the required hours of continuing education in a program approved by the board.

IV. The grace period for license renewal shall be 30 days from the expiration date of the license, and if that period shall elapse, the applicant must reapply and be re-examined for licensure under RSA 311-B:3, II-a and RSA 311-B:7. Until the license renewal requirements are satisfied, during the 30-day grace period the licensee shall not conduct auctions in this state, and such license shall be void upon lapse of such grace period.

V. Before renewing any auctioneer license in August 1994, the licensee shall demonstrate to the satisfaction of the board that such licensee is knowledgeable regarding current laws regulating auctioneers.

8 New Section; Investigations. Amend RSA 311-B by inserting after section 10 the following new section:

311-B:10-a Investigations.

I. The board shall conduct an investigation of any person who has been the subject of any written complaint.

II. All written complaints received by the board shall be maintained as part of the permanent records of the board.

III. Any person licensed by this board who has been found guilty of 3 violations under this chapter during a 2-year consecutive period shall not be issued a renewed license until the licensee has retaken and successfully completed the examination administered by the board, plus whatever other requirements the board might determine appropriate.

9 New Subparagraph; Administrative Fines. Amend RSA 311-B:11, III by inserting after subparagraph (d) the following new subparagraph:

(e) By assessing administrative fines in amounts established by the board which shall be not less than \$300 nor more than \$5,000 per offense, or in the case of continuing offenses, \$300 for each day the violation continues.

10 Exceptions Deleted. Amend RSA 311-B:13, I to read as follows:

I. This chapter shall not apply to any auctions held by order or judgment of any court of the state or the United States, or by any officer of a municipality, county, *or* state of United States[, foreclosure sales by mortgagees, lienholders or holders of any other kinds of security interests in real, personal or mixed property or to sales conducted or made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, receivers, assignees under voluntary assignments for the benefit of creditors or insurers, or by any other person required by law to sell real, personal or mixed property].

11 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the number of members on the board of auctioneers, deletes several exceptions relating to auctions, and revises the regulatory authority and duties of the board.
Rep. Sallada yielded to questions.

Reps. Beaulieu, McGrath and Ward spoke in favor and yielded to questions.

Reps. Guay and Lachut spoke against and yielded to questions.

Rep. Burling spoke against.

Roll call request sufficiently seconded. The question being the adoption of the amendment.

YEAS 169 NAYS 165**YEAS 169****BELKNAP**

Cain, Thomas
Lawton, David

Campbell, Richard, Jr.
Rosen, Ralph

Johnson, Carl
Salatiello, Thomas

Lallam, Robert
Ziegler, Alice

CARROLL

Beach, Mildred
Saunders, Howard

Bradley, Jeb
Wiggin, Gordon

Chandler, Gene

Foster, Robert

CHESHIRE

Foster, Katherine
Pearson, Gertrude

Hunt, John
Pratt, Irene

Manning, Joseph
Russell, Ronald

Metzger, Katherine
Smith, Edwin

COOS

Burns, Harold

Coulombe, Henry

Foss, Frederic

Hawkinson, Marie

GRAFTON

Bean, Pamela
Chase, Paul, Jr.
Scanlan, David

Below, Clifton
Eaton, Stephanie
Teschner, Douglass

Brown, Alson
Gordon, Edward
Wadsworth, Karen

Brown, Channing
Rose, William
Ward, Kathleen

HILLSBOROUGH

Allen, W. Gordon
Bowers, Dorothy
Domaingue, Jacquelyn
Dykstra, Leona
Franks, Suzan
Haettenschwiller, Alphonse
Holley, Sylvia
Jean, Loren
Lozeau, Donnalee
Milligan, Robert
Murphy, Robert
Peters, Stanley
Sullens, Joan
White, John

Arnold, Barbara
Burke, M. Virginia
Drolet, Paul
Fenton, James
Gagnon, Eugene
Hanselman, Gregory
Holt, David
Kelley, Dana
Martin, Mary Ellen
Mittelman, David
O'Hearn, Jane
Sargent, Maxwell
Tate, Joan
Wright, George

Asselin, Robert
Chabot, Robert
Durham, Susan
Ferguson, Charles
Gervais, Glen
Hart, Nick
Jasper, Shawn
Kelley, Robert
McRae, Karen
Moncrief, Keith
Packard, Bonnie
Searles, Stanley, Sr.
Vanderlosk, Stanley

Bergeron, Normand
Cowenhoven, Garret
Dyer, Merton
Foster, Linda
Gosselin, Gerald
Holden, Carol
Jean, Claudette
Lessard, Rudy
Mercer, Robert
Morrisette, Roland
Perkins, Paul
Smart, John
Weergang, Alida

MERRIMACK

Chandler, John
Gilbreth, Robert
Johnson, C. William
Lockwood, Robert
Ward, Jay

Coughlin, Anne
Hager, Elizabeth
Johnson, Joyce May
Pfaff, Terence
Weeks, John, Jr.

Feuerstein, Martin
Hall, Douglas
Kidder, William
Shaw, Randall
Willis, Jack

Fillion, Paul
Houlahan, Thomas
Langer, Ray
Stapleton, Henry

ROCKINGHAM

Aranda, M. Kathryn
Case, Margaret
Flanagan, Natalie
Groves, Bonnie
Katsakiores, George
Lovejoy, Marian
Noyes, Richard
Ritzo, Eugene
Skinner, Patricia
Sytek, John

Beaulieu, Jon
Conroy, Janet
Flanders, David
Hazelton, Robert
Katsakiores, Phyllis
MacDonald, Maurice
Packard, Sherman
Rosencrantz, James
Smith, Arthur
Vaughn, Charles

Boucher, William
Dowd, Sandra
Flanders, John, Sr.
Hurst, Sharleene
Klemarczyk, Thaddeus
McKinney, Betsy
Pratt, Katharin
Rubin, George
Stone, Joseph
Weyler, Kenneth

Buco, Stephen
Dube, LeRoy
Gage, Beverly
Johnson, Robert
Lee, Rebecca
Miller, Don
Putnam, Ed, II
Senter, Marilyn
Sytek, Donna
Woods, Deborah

STRAFFORD

Douglass, Clyde
McGrath, J. Gregory
Spear, Barbara
Vincent, Francis

Dunlap, Patricia
Pelletier, Marsha
Sullivan, Henry

Keans, Sandra
Rogers, Rose Marie
Torr, Ann

Kincaid, William
Snyder, Clair
Torr, Franklin

SULLIVAN

Cloutier, John
Schotanus, Merle

Domini, Irene

Palmer, Lorraine

Rodeschin, Beverly

NAYS 165**BELKNAP**

Golden, Paul
Smith, Linda

Hawkins, Robert
Young, Niel

Holbrook, Robert

Rice, Thomas, Jr.

CARROLL

Cogswell, Richard

Dickinson, Howard, Jr.

Lyman, L. Randy

CHESHIRE

Avery, Stephen
Delano, Robert
Perry, David
Young, David

Bonneau, Sarah
Kingsbury, H. Thayer
Richardson, Barbara

Burnham, Daniel
Lynch, Margaret
Riley, William

DePecol, Benjamin
McNamara, Wanda
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Guay, Lawrence
Pratt, Leighton

Harwell, Tyler

Horton, Lynn

GRAFTON

Copenhaver, Marion
LaMott, Paul

Crory, Elizabeth
McIlwaine, Deborah

Guest, Robert
Nordgren, Sharon

Ham, Bonnie

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Crotty, Edward
Drabinowicz, A. Theresa
Greenberg, Gary
Johnson, Lionel
Laughlin, J. Francis
McCarty, Winston
Nardi, Theodora
Plourde, Alphonse
Sallada, Roland
Toomey, Kathryn
Wheeler, Robert

Ahlgren, Madelyn
Bergeron, Lucien
Cepaitis, Elizabeth
Daigle, Robert
Dwyer, Patricia
Hall, Betty
Kirby, Thomas
Leclerc, Charles
Messier, Irene
O'Rourke, Joanne
Reidy, Frank
Smith, Leonard
Turgeon, Roland

Amidon, Eleanor
Borsa, Andrew
Clemons, Jane
Desrosiers, William
Fields, Dennis
Holt, Mark
L'Heureux, Robert
Lefebvre, Roland
Moore, Elizabeth
Pepino, Leo
Riley, Frances
Soucy, Donna
Upton, Barbara

Andrews, Frederick
Buckley, Raymond
Cote, David
Dodge, Emma
Gage, Ruth
Hunter, Bruce
Lachut, Ervin
Lown, Elizabeth
Morello, Michael
Philbrook, Paula
Rodgers, G. Philip
Stewart, Thomas
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Daneault, Gabriel
Mitchell, Vernon
Regan, Maurice
Whittemore, James

Braiterman, Thea
Dunn, Miriam
Moore, Carol
Rogers, Katherine
Yeaton, Charles

Buessing, Marjorie
French, Barbara
Newland, Matthew
Wallner, Mary Jane

Chandler, Earle
Holmes, Mary
Nichols, Avis
Whalley, Michael

ROCKINGHAM

Arndt, Janet
Caswell, Albert, Jr.

Battles, Marjorie
Chester, Sherman

Bove, Martin
Christie, Andrew, Jr.

Campbell, Marilyn
Clark, Martha

Clark, Vivian
Dowling, Patricia
Hemenway, Thomas
Klemm, Arthur, Jr.
Raynowska, Bernard
St. Martin, Tommy
Welch, David

Coes, Betsy
Drake, Herbert
Hutchinson, Karen
McGovern, Cynthia
Richards, David
Stritch, C. Donald
Williamson, William

Crossman, Harold, Jr.
Fesh, Robert
Johnson, Bill
O'Keefe, Patricia
Schanda, Joseph, Sr.
Syracusa, Anthony
Yennaco, Carol

DiPietro, Carmela
Gorman, Donald
Kane, Cecelia
Pullman, Robert
Splaine, James
Warburton, Calvin

STRAFFORD

Brown, George
Gilmore, Gary
Loder, Suzanne
Merritt, Deborah
Torr, Ralph

Brown, Julie
Hambrick, Patricia
Lundborn, Raymond
Nehring, William
Wall, Janet

Callaghan, Frank
Hemon, Roland
McKinley, Robert
Pageotte, Donald
Wheeler, Katherine

Chagnon, Ronald
Knowles, William
Merrill, Amanda
Pelletier, Arthur

SULLIVAN

Behrens, Thomas
Stamatakis, Carol

Burling, Peter

Kane, Joan

Lindblade, Eric

and the amendment was adopted.

On a division vote, 174 members having voted in the affirmative and 160 in the negative, the report was adopted.

Ordered to third reading.

(Speaker Burns in the Chair)

MOTION TO LIMIT DEBATE

Rep. Searles moved that debate on House Bills 1386, 1489 and 377 be limited to 10 minutes, equally divided on each bill.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1386-FN, relative to appointment and payment for guardians ad litem and instituting a process for handling complaints regarding the guardian ad litem system. **INEXPEDIENT TO LEGISLATE**

Rep. Nick Hart for Judiciary: The Department of Health and Human Services is opposed to this bill. Section 1. could restrict the authority of the Supreme Court; Section 2. could be construed to reduce or eliminate authority given to the Judicial Council. Section 3 does create a constitutional question because it gives the Legislative branch power that the Judiciary now has. The fiscal note is rather low. Testimony was given that it might be twice the amount or \$32 million. Vote 11-0.

Rep. Hemon moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Hart spoke against.

The motion failed and the report was adopted.

HB 1489-FN, requiring state courts to furnish copies of rules, laws, and cases cited in rulings and opinions to the parties involved; and requiring that supreme court rules be adopted in accordance with the public notice and hearing requirements of RSA 541-A. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Judiciary: This bill, as written, would create a huge burden on the administration of the courts. It was pointed out that only one document, Rules of Evidence, which would have to be made available, contains 31 pages and there are 14,000 cases a year in which this and other documents would have to be provided. That alone would amount to 434,000 pages. Furthermore, a section of the bill requiring that all Supreme Court rules be adopted in accord with RSA 541 is constitutionally questionable. Vote 14-0.

Rep. Hemon moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Lockwood spoke against.

The motion failed and the report was adopted.

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice Regan for Transportation: This bill allows a patron to transport a partially consumed capped bottle of table wine from a fully licensed restaurant. The Committee, on the advice of rehabilitation and safety officials, considers this important legislation for the promotion of safety. Vote 12-0.

Amendment (4817B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments.

Amend the bill by replacing all after the enacting clause with the following:

1 On-Sale Beverage and Wine Licenses. Amend RSA 178:18, IV to read as follows:

IV. No beverages or liquor shall be removed from the licensed premises by patrons, *except as provided by RSA 179:27-a.*

2 On-Sale Beverage and Liquor Licenses. Amend RSA 178:19, I(c) to read as follows:

(c) No beverage or liquor shall be removed from the licensed premises by patrons, *except as provided by RSA 179:27-a.*

3 On-Sale Cocktail Lounge Licenses. Amend RSA 178:20, IV to read as follows:

IV. No beverages or liquor may be removed from the licensed premises by patrons, *except as provided by RSA 179:27-a.*

4 New Section; Removal of Opened Table Wine Bottles. Amend RSA 179 by inserting after section 27 the following new section:

179:27-a Removal of Opened Table Wine Bottle.

I. Notwithstanding any other provision of law, any on-sale licensee, which maintains a license for a restaurant, as defined by RSA 175:1, XXXIII or LIX, where full course meals are regularly served in conjunction with such license, may allow any person who has purchased a full course meal and purchased and partially consumed a bottle of table wine with said meal, to remove such partially consumed bottle from the premises upon departure, provided that the person is not in a state of intoxication as defined in RSA 507-F:1, IV and such bottle of table wine is removed and transported in a manner consistent with paragraph II.

II. Any partially consumed bottle of table wine which is to be removed from the premises under paragraph I shall be securely sealed and bagged, by the licensee, either to be in conformance with any applicable local open container law for those patrons on foot, or transported as required by RSA 265:81, in the trunk of a motor vehicle. If the vehicle is not equipped with a trunk, the securely sealed opened table wine bottles may be stored and transported in that compartment or area of the vehicle which is the least accessible to the driver.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments.

Adopted.

Rep. Lozeau requested a quorum count. The Speaker declared a quorum present.

Rep. Lozeau spoke against.

Rep. Cain spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to

third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 16, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 656-FN, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991.

HB 1573, relative to the confidentiality of proceedings for guardianship of a minor.

HB 1117, relative to a new motor vehicle arbitration.

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature.

HB 1536-FN, authorizing the court to issue emergency temporary orders telephonically.

HB 1184-FN, establishing a committee to study the foreign exchange student programs in New Hampshire.

HB 1568-FN-L, requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution.

HB 1449, relative to professional standards review organizations for physical therapists.

HB 1455, making technical amendments to the business corporations laws and clarifying the limitation of liability of officers.

HB 1519, limiting any pecuniary benefit received by directors and officers of charitable trusts.

HB 1323-FN, requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates.

HB 1289-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program.

HB 1174-L, allowing the selectmen, under certain circumstances, to manage town real property.

HB 1186, making a breach of confidentiality a violation of oath of office for town officers.

HB 1206, relative to the procedure to follow when an optional elected town office is discontinued.

HB 1411-L, enabling municipalities to establish geographic information systems and charge fees for their use.

HB 1415-L, relative to approval of the goals and future conditions section of the master plan by the local legislative body.

HB 1422-FN-L, relative to the dog control laws and the portion of the dog license fee retained by municipalities.

HB 1474-L, allowing towns to maintain emergency lanes on class VI highways and private ways.

HB 1556-FN-L, establishing the position of fiscal officer for Rockingham county.

HB 1236, prohibiting the use of aerosol self-defense spray weapons against a law enforcement officer or in the course of committing a crime.

HCR 27, encouraging federal legislation to recognize atomic veterans.

HB 1231, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial.

HB 1242, establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire.

HB 1380-L, prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations.

HB 1214-FN, relative to driver safety at highway construction sites.

HB 1294, extending the termination date of the lifesaver i.d. pilot program.

HB 1313-FN, requiring the department of safety to issue an automotive recycling dealer with as many sets of number plates or as many as such person may require.

HB 1266-FN, requiring certain property seized by the department of fish and game to be returned if the owner reimburses the department for expenses and pays the required fine.

HB 1274-FN, establishing a committee to examine the impact of changing the name of the department of fish and game to the department of wildlife and marine resources.

HB 1284, increasing the restitution amount for illegally taking or possessing certain game.

HB 1502-FN, removing certain reporting requirements for persons who wish to sell venison.

HB 635-FN, relative to social security cost-of-living increases to residents of residential care facilities and community residences and establishing a committee to study the rate structure of residential care facilities.

HB 1194-FN, relative to the board of accountancy and related professional fees.

HB 1524, relative to the executive reorganization of the department of education.

HB 1432, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation.

SB 43, relative to the state board of auctioneers.

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments.

RECONSIDERATION

Having voted with the prevailing side, Rep. McCann moved that the House reconsider its action whereby it read a third time and passed **HB 1432**, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation.

Reconsideration lost.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:35 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

Wednesday, February 16, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Help us to be ever mindful, O God, of those whom we serve so that we may honor their varied dreams and deeper needs. Inspire each representative to serve well the common good, and enable them by Your grace to work with happiness and devotion for the land and people of New Hampshire. Amen.

Rep. Searles led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ralph Torr, Copenhagen, Royce, Bell, Patricia Cote, Charles Cote, Buessing, Pantelakos, Richard Hill, O'Brien, Malcolm and Rheault, the day, illness.

Reps. Ruth Gage, Rothhaus, Miller, Smart, Pearson, Weeks, Joyce Johnson, Chagnon, Crum, Hashem, Paquette, Paul White, Gerald Merrill, Flint, McGuirk, Bartlett, Mayhew, Blake, Hazelton, Julie Brown, Leclerc, Regan, Dwyer, Lundborn and Daniels, the day, important business.

Rep. Adams, the day, death in the family.

Reps. Hauck, Amidon and McCann, the day, illness in the family.

INTRODUCTION OF GUESTS

David Gocklin, teacher, and the 9th grade history class from Newmarket High School, guests of Reps. Caswell and Coes.

GUESTS ON THE ROSTRUM

Student vocational leaders in observance of National Vocational Education week: Ryan Girard, National Vice President of the Technology Students Association from Manchester West High School; Miss Randy Hollins, State Vice President of the Home Economic related organizations and the Future Homemakers of America from the J. Oliva Huot Technical Center in Laconia; and Miss Ali Moore, State President of the Future Farmers of America.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 144, 225, 501, 510, 517, 532, 554, 555, 558, 599, 604, 620, 637, 642, 649, 668, 678, 684, 709, 717, 722, 745, 749 and 752, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 144-FN-A, relative to the legacies and successions tax on property jointly owned. (Ways & Means)

SB 225-FN, relative to shoreland protection. (Resources, Recreation & Development)

SB 501-FN-A, relative to the business transition credit with respect to the business enterprise tax. (Ways & Means)

SB 510, eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops. (Health, Human Services & Elderly Affairs)

SB 517, making it a crime to obstruct the reporting of a crime or a bodily injury. (Corrections & Criminal Justice)

SB 532, relative to jewelers' liens. (Commerce, Small Business & Consumer Affairs)

SB 554, relative to insurance information and privacy protection. (Commerce, Small Business & Consumer Affairs)

SB 555, relative to health insurance which covers family members and making technical corrections to the insurance laws. (Commerce, Small Business & Consumer Affairs)

SB 558, relative to imposing late payment fees on retail credit customers. (Commerce, Small Business & Consumer Affairs)

SB 599-FN, establishing a board of ophthalmic dispensing, and relative to the board's fees. (Executive Departments & Administration)

SB 604-FN, relative to the Medicaid look-back provisions for applicants for public or medical assistance. (Health, Human Services & Elderly Affairs)

SB 620-L, standardizing the form used for abatement applications to municipalities. (Municipal & County Government)

SB 637-FN, relative to a pilot program concerning the use of deicing alternatives and making an appropriation therefor. (Public Works)

SB 642-FN, relative to drug-free school zones and creating a special fund for providing and replacing zone signs. (Education)

SB 649, relative to workers' compensation insurance disclosure. (Labor, Industrial & Rehabilitative Services)

SB 668-FN-L, abolishing the New Hampshire retirement system special reserve account. (Executive Departments & Administration)

SB 678, establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means. (Public Works)

SB 684, limiting fees charged by companies and lenders for checks drawn on insufficient funds. (Commerce, Small Business & Consumer Affairs)

SB 709-FN, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan. (Appropriations)

SB 717, relative to residency forms and automobile insurance. (Commerce, Small Business & Consumer Affairs)

SB 722, relative to petitions for declaratory judgments to determine insurance coverage. (Judiciary)

SB 745-FN, relative to the maintenance of vegetation obstructing advertising devices. (Public Works)

SB 749-FN, relative to the workers' personal care assistance program. (Labor, Industrial & Rehabilitative Services)

SB 752-FN, relative to signage on highways and signage fees and continually appropriating a special fund. (Public Works)

COMMITTEE REPORTS

REGULAR CALENDAR

HB 1145-FN, relative to cashers of checks and issuers of money orders and setting certain fees. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill regulates businesses whose only operation is check cashing. It exempts retail businesses, which cash checks incidental to their main operation. Further, it places a requirement on banks to cash checks drawn upon them. Vote 15-0.

Amendment (5098B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to cashers of checks and setting certain fees.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Cashers of Checks. Amend RSA by inserting after RSA 399-E the following new chapter:

CHAPTER 399-F
LICENSED CASHERS OF CHECKS

399-F:1 Definitions. In this chapter:

- I. "Commissioner" means the bank commissioner of the state of New Hampshire.
- II. "Casher of checks" means any person engaging in the business of cashing checks, drafts or money orders for a fee or consideration.
- III. "Licensee" means a licensed casher of checks, drafts or money orders.
- IV. "Person" means any individual, partnership, unincorporated association, corporation, or other organization.

399-F:2 License Requirements; Fees; Capital Requirements.

I. No person shall engage in the business of cashing checks, drafts or money orders for a consideration without first obtaining from the commissioner a separate license for each location from which such business is conducted.

II. Application for such licenses shall be in writing, under oath, and in the form prescribed by the commissioner, and shall contain at a minimum the name and the address, both of the residence and place of business, of the applicant, and, if the applicant is a partnership or association, of every member thereof, and, if a corporation, of each officer and director thereof; and the specific addresses at which the business is to be conducted.

III. An applicant at the time of making each application shall pay to the commissioner the nonrefundable sum of \$250 as a fee for investigating each application and the additional sum of \$350 as a license fee for a period terminating on the last day of the current calendar year. Every licensee shall, on or before December 15 of each year, pay to the bank commissioner an annual license fee of \$350. Any licensee requesting a change of address shall, at the time of making such request, pay to the commissioner the nonrefundable sum of \$100 as a fee for investigating the new address. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

IV. Every applicant shall prove, in a form satisfactory to the commissioner that he or it has available for the operation of such business, for each location specified in the application, liquid assets of at least \$10,000, and every licensee shall continuously maintain for the operation of such business for each location liquid assets of at least \$10,000. Notwithstanding the foregoing provisions of this paragraph, the commissioner, upon application by an applicant, may permit a reduction from \$10,000 to not less than \$5,000 of minimum liquid assets required for each location, provided that a \$5,000 surety bond for each location is filed with the commissioner, in a form prescribed by the commissioner.

399-F:3 Conditions Precedent to Issuing License; Issuance and Filing of License; Posting License.

I. If the commissioner finds that the financial responsibility, experience, character, and general fitness of the applicant, and the members thereof, if the applicant is a partnership or association, and of the officers and directors thereof, if the applicant is a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter, and if the commissioner finds that the granting of such application will promote the convenience and advantage of the community in which such business is to be conducted, and if the commissioner finds that the applicant has available for the operation of such business for each location specified in the application liquid assets of at least \$10,000, he shall execute a license in duplicate to permit the cashing of checks, drafts and money orders, in accordance with the provisions of this chapter at the location specified in such application. The commissioner shall transmit one copy of such license to the applicant and file another in the office of the department. The commissioner shall approve or disapprove the application within 90 days after the date the application is filed with the commissioner.

II. Each license shall state the name of the licensee; and if the licensee is a partnership or association, the names of the members thereof; and if the licensee is a corporation, the date of its incorporation; the address at which such business is to be conducted; and the date of license expiration.

III. Such license shall be kept conspicuously posted in the place of business of the licensee. Such license shall not be transferable or assignable.

IV. Such license shall remain in full force and effect until it is surrendered by the licensee, is revoked or suspended, or expires, as provided in this chapter.

V. If the commissioner finds that the applicant fails to meet any of the conditions set forth in paragraph I of this section, he shall not issue such license, and he shall notify the applicant of the denial.

VI. The commissioner may deny a license application under this chapter if he finds that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder of the applicant has been convicted of a crime in any jurisdiction.

VII. Notwithstanding paragraph VI of this section, the commissioner shall not issue a license under this chapter if he shall find that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder of the applicant, has been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws of this state. For the purposes of this chapter, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty to the crime, or been found guilty by the decision of judgment of a court or magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or suspension of the sentence, unless such plea of guilty, or such decision, judgment or verdict, shall have been set aside, reversed or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefor from the president of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a certificate of good conduct granted by the board of parole pursuant to the provisions of the executive law to remove the disability under this chapter because of such conviction. The term "substantial stockholder", as used in this section, shall be deemed to refer to a person owning or controlling 10 percent or more of the total outstanding stock of the corporation in which such person is a stockholder.

VIII. No license for the business of cashing checks shall be issued until the applicant shall file with the commissioner a surety bond with such sureties as the commissioner shall require, in a sum of not less than \$25,000 for the protection of the public and for any sums due to the commissioner under this chapter.

399-F:4 Restrictions As To Place or Area of Doing Business; Establishment of Stations; Change of Location.

I. No more than one place of business shall be maintained under the same license; provided, however, that more than one license may be issued to the same licensee upon compliance with the provisions of this chapter for each new license.

II. A licensee may make a written application to the commissioner, accompanied by a nonrefundable fee of \$100, for leave to change his place of business, stating the reasons for such proposed change. If the commissioner approves such application he shall issue a new license in duplicate in accordance with the provisions of this chapter, which shall state the new location of such licensee.

399-F:5 Changes in Control.

I. It shall be unlawful except with the prior approval of the commissioner for any action to be taken which results in a change of control of the business of a licensee. Prior to any change of control, the person desirous of acquiring control of the business of a licensee shall make written application to the commissioner and pay a nonrefundable investigation fee of \$250 and a nonrefundable license fee of \$350 to the commissioner. The application shall contain such information as the commissioner, by rule, may prescribe as necessary or appropriate for the purpose of making the determination required by paragraph II of this section.

II. The commissioner shall approve or disapprove the proposed change of control of a licensee in accordance with the provisions of RSA 399-F:3 to the extent applicable. The commissioner shall approve or disapprove the application in writing within 90 days after the date the application is filed with the commissioner.

III. As used in this paragraph, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a licensee, whether through the ownership of voting stock of such licensee, the ownership of voting

stock of any persons which possesses such power, or otherwise. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, or holds with power to vote 10 percent or more of the voting stock of any licensee or of any person who owns, controls or holds with power to vote 10 percent or more of the voting stock of any licensee, but no person shall be deemed to control a licensee solely by reason of being an officer or director of such licensee or person. The commissioner may in his discretion, upon the application of a licensee or any person who, directly or indirectly, owns, controls or holds with power to vote or seeks to own, control, or hold with power to vote any voting stock of such licensee, determine whether or not the ownership, control, or holding of such voting stock constitutes or would constitute control of such licensee for purposes of this section.

399-F:6 Rulemaking Authority. The commissioner shall adopt rules, under RSA 541-A, relative to the administration of this chapter.

399-F:7 Fees and Charges; Posting Schedule; Records.

I. The commissioner shall, by rule, establish the maximum fees which may be charged by licensees for cashing a check, draft, or money order. No licensee shall charge or collect any sum for cashing a check, draft, or money order in excess of that established by the commissioner's rules.

II. Each licensee shall conspicuously post in every location licensed under this chapter the schedule of fees and charges permitted under this section.

III. Each licensee shall keep and use in its business such books, accounts, and records as the commissioner may require to carry into effect the provisions of this chapter and the rules made by the commissioner under this chapter. Every licensee shall preserve such books, accounts, and records for at least 5 years.

IV. Before a licensee shall deposit with any banking organization, or with any organization engaged in the business of banking, a check, draft or money order cashed by such licensee, the item shall be endorsed with the actual name under which such licensee is doing business and shall have the words "licensed casher of checks" legibly written or stamped immediately after or below such name.

399-F:8 Acts Prohibited.

I. No licensee shall engage in the business of making loans of money, credit, goods or things or discounting of notes, bills of exchange, checks, or other evidences of debt. No licensee shall at any time cash or advance any moneys on a post-dated check or draft or engage in the business of transmitting money or receiving money for transmission; provided, however, that a licensee may cash a check payable on the first banking business day following the date of cashing if such check is:

(a) Drawn by the United States, the state of New Hampshire, or any political subdivision of the state of New Hampshire, or by any department, bureau, agency, authority, instrumentality or officer, acting in his official capacity, of the United States or of the state of New Hampshire or of any political subdivision of the state of New Hampshire; or

(b) A payroll check drawn by an employer to the order of its employee in payment for services performed by such employee.

II. No licensee shall cash any check, draft or money order if the face amount for which it is drawn is in excess of \$2,500; provided, however, that this restriction shall not apply to:

(a) The cashing of checks, drafts, or money orders drawn by the United States, any state thereof or any political subdivision of any such state, or by any department, bureau, agency, authority, instrumentality, or officer, acting in his official capacity, of the United States, any state thereof or any political subdivision of any such state, or any insurance company, bank, savings bank, credit union, savings and loan association, or similar depository institution; or

(b) Any check which has been certified by the bank, trust company, savings and loan association, national bank or similar depository institution on which it has been drawn.

399-F:9 Suspension or Revocation of License.

I. The commissioner may suspend or revoke any license issued pursuant to this chapter if, after notice and a hearing, he finds:

(a) That the licensee:

(1) Has committed any fraud, engaged in any dishonest activities or made any misrepresentation;

(2) Has violated any provisions of the banking law or any rule adopted pursuant to such laws, or has violated any other law in the course of its or his dealings as a licensed casher of checks;

(3) Has made a false statement in the application for such license or failed to give a true reply to a question in such application;

(4) Has demonstrated his or its incompetency or untrustworthiness to act as a licensed casher of checks; or is not doing sufficient business pursuant to this chapter to justify the continuance of the license;

(b) That any ground or grounds exist which would require or warrant the refusal of any application for the issuance of the license if such an application were then before him.

II. Such a hearing shall be held in the manner and upon such notice as may be prescribed by RSA 541-A and rules adopted by the commissioner.

III. Notwithstanding any provision of RSA 541-A to the contrary, pending an investigation or a hearing for the suspension or revocation of any license or licenses issued pursuant to this chapter, the commissioner may temporarily suspend such license or licenses for a period not to exceed 90 days, provided the commissioner shall find that such a temporary suspension is in the public interest.

IV. Whenever the commissioner suspends or revokes a license issued pursuant to this chapter, he shall execute a written order to that effect. The commissioner shall on the date such order is executed file one copy of the order in the office of the department and serve a second copy on the licensee either personally or by mailing it to the last known address of the licensee. Such order shall be subject to review and appeal under RSA 541 and RSA 541-A, as applicable.

399-F:10 Penalty. Any natural person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and any other person shall be guilty of a felony.

399-F:11 Examination.

I. The banking department may examine the business affairs of any licensee or any other person, whether licensed or not, as it deems necessary to determine compliance with this chapter and the rules adopted pursuant to this chapter. In determining compliance, the banking department may examine the books, accounts, records, files, and other documents or matters of any licensee or person. The banking department shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings, and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to its investigation.

II. For the purpose of discovering violations of this chapter, the banking department may examine, during business hours, the records of any licensee, whether such person shall be licensed to act, or claim to act, as principal, agent, or other representative, or under, or without the authority of this chapter; and for that purpose, the banking department shall have access to the books, papers, records, files, and vaults of all such persons. The banking department shall also have authority to examine, under oath, all persons whose testimony it may require relative to such business.

III. The affairs and records within this state of every licensee shall be subject at any time to such periodic, special, regular, or other examination by the banking department with or without notice to the licensee. All books, papers, files, related material, and records of assets of the license shall be subject to the banking department's examination.

IV. Any agent of the banking department may make a thorough examination into the business affairs of each licensee and shall report any violations of law, rule, or standard business practice to the banking department.

V. The expense of such examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

399-F:12 Application of Chapter. The provisions of this chapter shall not apply when checks, drafts or money orders are cashed, other than by a licensee, without a consideration or charge; nor shall the provisions of this chapter apply to any New Hampshire chartered bank or sav-

ings bank, national bank, or similar depository institution chartered by this state or the United States government or retail establishments which provide check cashing as a convenience and incidental to their primary business activity.

2 Bank's Liability to Customer for Wrongful Dishonor. Amend RSA 382-A:4-402 (a) to read as follows:

(a) Except as otherwise provided in this Article, a payor bank wrongfully dishonors an item if it dishonors an item that is properly payable, but a bank may dishonor an item that would create an overdraft unless it has agreed to pay the overdraft. *"Wrongful dishonor" shall include, but not be limited to, a refusal by a payor bank to honor an item otherwise properly payable, if the payee presents the item in person to the payor bank, properly endorses the item and provides reasonably reliable identification confirming the payee's identity.*

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill allows for licensing and regulation of cashers of checks by the banking department.

The bill also amends a provision of the uniform commercial code to clarify a bank's liability to a customer for wrongful dishonor.

This bill was requested by the banking department.

Adopted.

Rep. Mercer yielded to questions.

Report adopted and referred to Ways and Means.

HB 1215-FN-L, establishing 400 separate districts for the election of state representatives and renumbering state representative districts. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Martin N. Bove for the Majority of Constitutional and Statutory Revision: The majority of the committee felt that this bill did not allow for the candidates with the majority of the votes to be elected. It established slots for candidates to run in, not geographical district representation. Furthermore, this bill allows for targeting of candidates in multiple representative districts. Vote 9-5.

Rep. Gary R. Gilmore for the minority of Constitutional and Statutory Revision: The minority believes that it is in the best interests of democracy and the citizens of this state that house members be as accountable to their constituents as possible. We believe creating 400 separate districts will result in greater communication between representatives and their constituents and fairer, more effective representation. HB 1215 is a step toward meeting the constitutional requirements that every citizen has an equal right to choose state representatives and an equal right to run and be elected to the office of state representative.

Rep. Gilmore moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Bove spoke against.

Rep. Trombly spoke in favor and yielded to questions.

Rep. Jasper spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 102 - NAYS 213

YEAS 102

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah

Foster, Katherine

Richardson, Barbara

Burnham, Daniel

Kingsbury, H. Thayer

Riley, William

Champagne, Richard

Lynch, Margaret

Robertson, Timothy

DePecol, Benjamin

Pratt, Irene

Russell, Ronald

COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

GRAFTONBelow, Clifton
Nordgren, Sharon

Crory, Elizabeth

Guest, Robert

McIlwaine, Deborah

HILLSBOROUGHAhern, Richard
Borsa, Andrew
Crotty, Edward
Gosselin, Gerald
Jean, Claudette
Martin, Mary Ellen
O'Rourke, Joanne
Smith, Leonard
Turgeon, RolandAhlgren, Madelyn
Buckley, Raymond
Daigle, Robert
Haettenschwiller, Alphonse
Johnson, Lionel
Morrisette, Roland
Philbrook, Paula
Soucy, Donna
White, JohnAsselin, Robert
Clemons, Jane
Drabinowicz, A. Theresa
Hall, Betty
Kirby, Thomas
Murphy, Robert
Plourde, Alphonse
Stewart, ThomasBergeron, Normand
Cote, David
Foster, Linda
Hanselman, Gregory
Laughlin, J. Francis
Nardi, Theodora
Reidy, Frank
Toomey, Kathryn**MERRIMACK**Braiterman, Thea
French, Barbara
Rogers, KatherineCoughlin, Anne
Moore, Carol
Trombly, RickDaneault, Gabriel
Newland, Matthew
Wallner, Mary JaneDunn, Miriam
Owen, Derek
Yeaton, Charles**ROCKINGHAM**Caswell, Albert, Jr.
McGovern, Cynthia
Splaine, James
Warburton, CalvinCoes, Betsy
Newman, Rick
St. Martin, TommyGroves, Bonnie
Rosencrantz, James
Syracusa, AnthonyKane, Cecelia
Schanda, Joseph, Sr.
Vaughn, Charles**STRAFFORD**Callaghan, Frank
Loder, Suzanne
Pageotte, Donald
Sullivan, HenryGilmore, Gary
McGrath, J. Gregory
Pelletier, Arthur
Vincent, FrancisHambrick, Patricia
Merrill, Amanda
Rogers, Rose Marie
Wheeler, KatherineHilliard, Dana
Merritt, Deborah
Snyder, Clair**SULLIVAN**Allison, David
Kane, JoanBurling, Peter
Palmer, LorraineCloutier, John
Stamatakis, Carol

Holl, Ann

NAYS 213**BELKNAP**Cain, Thomas
Holbrook, Robert
Rosen, RalphCampbell, Richard, Jr.
Johnson, Carl
Smith, LindaGolden, Paul
Lafam, Robert
Turner, RobertHawkins, Robert
Rice, Thomas, Jr.
Ziegra, Alice**CARROLL**Beach, Mildred
Foster, Robert
Saunders, HowardBradley, Jeb
Lyman, L. Randy
Wiggin, GordonChandler, Gene
Mock, HenryCogswell, Richard
Philbrick, Donald**CHESHIRE**Avery, Stephen
Manning, Joseph
Smith, EdwinCole, Stacey
McNamara, Wanda
Young, DavidDelano, Robert
Metzger, KatherineHunt, John
Perry, David**COOS**Coulombe, Henry
Pratt, Leighton

Foss, Frederic

Guay, Lawrence

Horton, Lynn

GRAFTON

Bean, Pamela	Brown, Alson	Brown, Channing	Brown, Patricia
Chase, Paul, Jr.	Driscoll, William	Eaton, Stephanie	Gordon, Edward
Ham, Bonnie	LaMott, Paul	Larson, Nils, Jr.	Rose, William
Scanlan, David	Teschner, Douglass	Wadsworth, Karen	Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick	Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.
Bagley, Amy	Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.
Chabot, Robert	Cowenhoven, Garret	Desrosiers, William	Dodge, Emma
Domaingue, Jacquelyn	Drolet, Paul	Durham, Susan	Dyer, Merton
Dykstra, Leona	Fenton, James	Ferguson, Charles	Franks, Suzan
Gagnon, Eugene	Gervais, Glen	Hart, Nick	Healy, Daniel
Holden, Carol	Holley, Sylvia	Holt, David	Hunter, Bruce
Jasper, Shawn	Kelley, Dana	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	Lachut, Ervin	Lown, Elizabeth	Lozeau, Donnalee
McCarty, Winston	McRae, Karen	Mercer, Robert	Messier, Irene
Mittelman, David	Moncrief, Keith	Moore, Elizabeth	Morello, Michael
O'Hearn, Jane	Packard, Bonnie	Pepino, Leo	Perkins, Paul
Peters, Stanley	Record, Alice	Riley, Frances	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Sullens, Joan	Tate, Joan
Upton, Barbara	Vanderlosk, Stanley	Weergang, Alida	Wells, Peter, Sr.
Wheeler, Robert	Wright, George		

MERRIMACK

Barberia, Richard	Carter, Susan	Chandler, John	Chandler, John
Feuerstein, Martin	Fillion, Paul	Gilbreth, Robert	Hager, Elizabeth
Hall, Douglas	Holmes, Mary	Houlahan, Thomas	Johnson, C. William
Kidder, William	Langer, Ray	Lockwood, Robert	Mitchell, Vernon
Nichols, Avis	Pfaff, Terence	Shaw, Randall	Teague, Bert
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Beaulieu, Jon	Boucher, William
Bove, Martin	Buco, Stephen	Campbell, Marilyn	Case, Margaret
Chester, Sherman	Christie, Andrew, Jr.	Clark, Vivian	Conroy, Janet
Crossman, Harold, Jr.	DiPietro, Carmela	Dowd, Sandra	Drake, Herbert
Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis
Hemenway, Thomas	Hurst, Sharleene	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Lee, Rebecca
Lovejoy, Marian	MacDonald, Maurice	McKinney, Betsy	Moore, Benjamin
Noyes, Richard	Packard, Sherman	Pullman, Robert	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ritzo, Eugene	Rubin, George
Senter, Merilyn	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Sytek, John	Welch, David	Weyler, Kenneth
Williamson, William	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Douglass, Clyde	Dunlap, Patricia	Hemon, Roland	Keans, Sandra
Kincaid, William	Knowles, William	McKinley, Robert	Musler, George
Nehring, William	Pelletier, Marsha	Spear, Barbara	Torr, Ann
Torr, Franklin	Wall, Janet	Wasson, Richard	

SULLIVAN

Behrens, Thomas	Lindblade, Eric	Peyron, Fredrik	Rodeschin, Beverly
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and the motion failed.
Report adopted.

HB 1212-FN, revising the special education provisions relating to mediation. OUGHT TO PASS WITH AMENDMENT

Rep. Susan D. Carter for Education: HB 1212 as amended is the result of the work of a committee established to study methods of preventing and resolving disputes relative to educationally disabled students. This bill establishes the neutral conference which consists of an informal, abbreviated presentation of the issues in special education disputes to a neutral party who is responsible for reviewing the case and issuing a recommendation as an alternative dispute resolution mechanism. The addition of neutral evaluation to the law as a voluntary option should help parents and school districts resolve their problems in a less costly and emotionally draining manner. The \$5,000 appropriation is a one-time need. In the future, the funds needed will be taken from the account used for due process hearings as the need for those hearings will decrease. Vote 12-0.

Amendment (4595B)

Amend the title of the bill by replacing it with the following:

AN ACT

revising the special education mediation provisions
to include neutral conferences.

Amend RSA 186-C:23, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Neutral conference.

Amend RSA 186-C:23, II as inserted by section 2 of the bill by replacing it with the following:

II. To assist parents and schools, this subdivision requires the local education agency to notify the department of education in writing that an individualized education program, educational placement, identification, or evaluation of a child has been rejected by the parent, and establishes a 30-day period for discussion beginning on the date such notice is received by the department of education. Immediately following notification, the department shall communicate to the parent a description of the [mediation] *alternative dispute resolution* process. While the use of [this] *these* informal resolution [procedure] *procedures* is strongly encouraged, it is not mandatory for either party. If this option is chosen by both parties, the department shall, during the 30-day period, schedule and conduct [a mediation] *an alternative dispute resolution* conference. The conference shall not be used to delay a due process hearing; however, both parties may agree to postpone the hearing pending a resolution.

Amend the bill by replacing all after section 2 with the following:

3 New Sections; Local School District Alternative Dispute Resolution Programs; Neutral Conference. Amend RSA 186-C by inserting after section 23 the following new sections:

186-C:23-a Local School District Alternative Dispute Resolution Programs.

I. Each school district in New Hampshire is encouraged to develop options for alternative dispute resolutions which can be utilized at the local district level. A plan outlining these methods may be submitted to the department of education for review. The department shall provide technical assistance at the request of the school districts in developing and implementing these alternative dispute resolution options.

II. Local school districts and parents are encouraged to submit to the department of education information relating to methods of alternative dispute resolution which have proven to be effective. Pursuant to RSA 21-N:6, VII, the department shall develop a system whereby such information can be collected, compiled, and disseminated to local school districts.

186-C:23-b Neutral Conference.

1. Neutral conference shall consist of an informal, abbreviated presentation of case facts and issues by the parties to a neutral who is responsible for reviewing the strengths and weaknesses of the case and issuing a recommendation. If the neutral conference is selected, the department of education shall provide the parties with resumes of 5 neutrals. The parties shall agree to the selection of one neutral to preside at the conference. Following such selection, the department shall schedule the neutral conference and shall provide the parties with the neutral's name and address, the time, date, and place of the neutral conference, and the date by which the parties shall furnish the neutral with required information and documentation.

II.(a) Not less than 5 days prior to the neutral conference, the parties shall submit to the neutral and exchange a summary of the significant aspects of their case. The parties shall attach to the summary copies of all documents on which they rely. Such summaries shall be not more than 4 pages.

(b) Parties shall not communicate with the neutral concerning their case.

(c) At the neutral conference, the parties shall be present and shall have authority to authorize settlement.

(d) If the neutral deems it necessary, such neutral may request additional written information prior to the conference from either party. At the neutral conference, the neutral may address questions to the parties and shall allow each party no more than 30 minutes to complement their written summaries with a brief oral statement. The conference shall be limited to not more than 2 hours.

(e)(1) At the conclusion of the oral statements, the neutral shall issue an oral opinion to the parties. The opinion shall contain a suggested settlement or disposition and the reasons therefor.

(2) If the neutral conference results in agreement, the conclusions shall be incorporated into a written binding agreement signed by each party.

(3) If the neutral conference does not result in agreement, the neutral shall document only the date and the participants at the meeting. No other record of the neutral conference shall be made. The neutral shall not be called as a witness at any additional proceedings in the specific case in which such neutral participated.

(4) The neutral shall advise the department of education that the neutral conference has taken place.

III.(a)(1) The neutral who presides at a conference shall have experience with students with educational disabilities and shall have knowledge of special education law, rules, and regulations.

(2) The neutral shall not have personal knowledge of the student or involvement with the school district.

(3) In order to avoid the appearance of a judicial proceeding, attorneys shall not be appointed as neutrals.

(b) Upon receipt of notice of appointment in a case, the neutral shall disclose any circumstances likely to create a conflict of interest, the appearance of a conflict of interest, a reasonable inference of bias, or to prevent the process from proceeding as scheduled. If the neutral withdraws, has a conflict of interest, or is otherwise unavailable, another shall be appointed by the commissioner of education.

(c) The participants and counsel shall recognize that the neutrals shall not be acting as legal advisories or legal representatives.

IV. The department of education shall evaluate the effectiveness of the alternative dispute resolution procedures annually and shall report its findings to the State Advisory Council required by the Individuals with Disabilities Education Act.

4 Appropriation. There is appropriated the sum of \$5,000 for the fiscal year ending June 30, 1995, to the department of education to be used for alternative dispute resolution. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill expands the provisions for special education alternative dispute resolution to include neutral conferences in addition to mediation.

Adopted.

Report adopted and ordered to third reading.

HB 1408-FN, requiring state agencies to pay the New Hampshire Bar Association dues and fees of attorneys which they employ. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen W. Ward for Executive Departments and Administration: The majority of the committee believes that job qualifications both in the classified and unclassified systems that

require a professional license are taken into account when salaries levels are set. In New Hampshire, an attorney may not practice law without joining the Bar Assoc., ie. dues vs. license. Vote 14-3.

Adopted.

HB 1447-FN, making communications of advanced registered nurse practitioners privileged and, extending certain duties to ARNPs. **OUGHT TO PASS**

Rep. Bonnie K. Groves for Executive Departments and Administration: This bill grants temporary licenses to nationally certified advanced registered nurse practitioners at the request of the Division of Public Health. Sections B, C and D apply the language of the psychologists practice act regarding patient confidentiality to ARNPs, and the "duty to warn" and sexual misconduct to psychiatric/mental health advanced registered nurse practitioners. Vote: 14-1.

Adopted and ordered to third reading.

HB 1546-FN-L, to provide an additional service retirement option for group I teacher members of the retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was voted inexpedient to legislate because some of the members felt that this bill may be in violation of Article 28-A, unfunded mandates or expanded programs, of the New Hampshire Constitution. This bill would establish a new method of calculating an unreduced early retirement for teachers with only limited study as to the effect on the retirement system Vote 10-3.

Adopted.

SPECIAL ORDER

Rep. Kathleen Ward moved that **HB 1552-FN**, relative to the certification of employer contributions by the retirement system board of trustees, be made a Special Order for Thursday, February 17.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1138-FN-L, allowing free parking for jurors serving at regional jury trial courts. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick G. Newman for the Majority of Judiciary: The Majority feels there are many issues which need to be looked at in this bill and interim study will afford the time needed to do justice to this issue. Vote 12-3.

Rep. Robert E. Murphy for the Minority of Judiciary: This bill amends RSA 500-A:17 (Parking for Jurors) to include free parking for jurors called for duty in any District Court designated as a jury trial court by the Supreme Court. The minority position maintains that, irrespective of Article 28-a, Part the First of the N.H. Constitution, free parking was "grandfathered in" by preceding Article 28-a by 13 years (1971-1984). Further, even if this contention is not accepted, Article 28a would still not apply since it prohibits the state from mandating "expenditures" upon political subdivisions and does not refer to loss of revenue such as a parking fee.

Rep. Murphy moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Refer for Interim Study, spoke in favor and yielded to questions.

Rep. Newman spoke against.

Rep David Young spoke against and yielded to questions.

The motion failed and the report was adopted.

HB 1191-FN, relative to victims' rights in sentencing hearings and the victims' compensation fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: This bill requires that a legitimate reason must exist in order to require a victim witness/advocate to testify and be sequestered during a trial. The committee believes it is important for the victim to have his or her witness/advocate in the room for support. Vote 10-2.

Amendment (4965B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to victims and victims' compensation.

Amend the bill by replacing all after the enacting clause with the following:

1 Siblings and Certain Victims of Sexual Abuse; Victims' Compensation Fund. Amend RSA 21-M:8-h, I to read as follows:

I. Any person who sustains personal injury as a result of a felony, [or] any person who sustains personal injury as a result of persons driving under the influence of alcohol or controlled substances, *or any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed regardless of when the crime occurred*, is eligible for compensation. In the case of a child victim, the claimant, guardian ad litem, advocate or [parent] *immediate family* may claim compensation in the victim's stead. *If the victim is incompetent or in the case of a victim's death as a direct result of the crime, [the victim's spouse, the parents of a victim who was a dependent child, or the victim's dependent children are eligible to claim compensation.] the immediate family of the victim is eligible to claim compensation.* In the case of a victim's disability as a direct result of the crime, the victim's [spouse or guardian] *legal representative* may claim compensation in the victim's stead.

2 Statement of Purpose. The general court and the governor place a high value on creating a system of justice in which victim/witness advocates may remain with the victims they serve throughout criminal court proceedings without the fact or threat of inappropriate sequestration.

3 New Section; Just Cause Required to Place Victim/Witness Advocate on Witness List. Amend RSA 516 by inserting after section 7 the following new section:

516:7-a Victim/Witness Advocates as Witnesses. If a victim/witness advocate is called as a witness, a party opposing such action may move for an order requiring the party desiring to use such testimony to show cause why such victim/witness advocate's testimony is necessary. In no case shall a victim/witness advocate be sequestered unless the court finds and orders, based on the facts of the case, that failure to sequester would violate a defendant's rights.

4 Applicability. This act shall apply to all offenses committed on or before the effective date of this act.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits siblings and victims of sexual abuse under the age of 18 at the time a claim is filed to receive awards from the victims' compensation fund.

This bill also limits calling victim/witness advocates as witnesses unless such testimony is necessary.

Adopted.

Report adopted and ordered to third reading.

HB 1572-FN, relative to public employee labor relations and filing fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claudette R. Jean for Labor, Industrial and Rehabilitative Services: This bill modifies the Public Employee Labor Relations Board's appointment procedures, terms of office, and increase in payment for services. It also states that all board decisions shall be indexed. It requires complainants to submit a filing fee of \$60 and requires that orders issued by the PELRB contain findings of fact and rulings of law. Vote 12-0.

Amendment (5106B)

Amend the bill by replacing all after the enacting clause with the following:

1 Board Membership; List of Nominees. Amend RSA 273-A:2, I and I-a to read as follows:

I. There is hereby created a public employee labor relations board consisting of 5 members, appointed by the governor and council *from lists of nominees as provided in this paragraph*. Two members shall be appointed who shall have extensive experience representing organized labor *from a list of nominees provided by labor groups representing employees who are subject to the provisions of RSA 273-A*. Two members shall be appointed who shall

have extensive experience in representing management interests *from a list of nominees provided by management groups which represent employees subject to the provisions of RSA 273-A*. One member, who shall be the [chairman] *chairperson*, shall be appointed to represent the public at large, *shall not be a public sector employee* and shall not hold [elective or appointive public office, or elective or appointive office, or] elective or appointive office, or membership in, *public sector organized labor or be an elected or appointed official or officer of the state or any political subdivision thereof* at the time of [his] appointment or during [his] *the term of appointment*. Members of the board may be removed by the governor and council for cause.

I-a. The governor and council shall appoint, in addition to the regular board members specified in paragraph I, 3 alternate board members *from the lists of nominees provided under paragraph I*. One member shall have extensive experience representing organized labor, one member shall have extensive experience in representing management interests, and one member shall represent the public at large, *shall not be a public sector employee* and shall not hold [elective or appointive public office, or] elective or appointive office, or membership in, *public sector organized labor or be an elected or appointed official or officer of the state or any political subdivision thereof* at the time of [his] appointment or during [his] *the term*. Alternate board members shall serve a [6] 4-year term, and may be removed by the governor and council *for cause*.

2 Board Membership; Terms. Amend RSA 273-A:2, II to read as follows:

II. Each member of the board shall serve for a term of [6] 4 years[, except that of the members first appointed, one shall be appointed for 2 years, one for 3 years, one for 4 years, one for 5 years and one for 6 years]. Each member shall serve until [his] *a* successor is appointed and qualified. A person appointed to fill a vacancy shall be appointed for the unexpired term by the governor and council.

3 Board; Payment for Service; Indexing of Decisions. Amend RSA 273-A:2, VII to read as follows:

VII. The members of the public employee labor relations board shall be paid [\$50] *\$150* a day and their necessary expenses while actually engaged in the performance of their duties.

VIII. All board decisions shall be indexed in a timely fashion.

4 PELRB Complaints; Filing Fees. Amend RSA 273-A:6, II to read as follows:

II. Complaints shall be filed by affidavit *and shall be accompanied by a \$60 filing fee*. A copy of the complaint shall be given to the party complained against at the time the complaint is filed. The board or its designee shall hold a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the representative of any party against whom a complaint has been filed. *Fees collected under this paragraph shall be used to pay indexing of all board pensions.*

5 New Paragraph; Board Decisions. Amend RSA 273-A:6 by inserting after paragraph VIII the following new paragraph:

IX. Any order issued by the board shall contain findings of fact and rulings of law on which the order is based. Any other decision made by the board shall contain, in a written record of oral proceedings or other written document, findings of fact and rulings of law on which the decision is based.

6 Applicability. This act shall not affect the terms of board members serving on the public employee labor relations board on the effective date of this act. Appointments to the board under this act shall take effect as the terms of current board members expire

7 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill modifies the public employee labor relations board's appointment procedures and payment for services.

This bill requires complainants to submit a filing fee and requires that orders issued by the board contain findings of fact and rulings of law.

Adopted.

Report adopted and referred to Ways and Means.

HB 1488-A, requiring the department of transportation to redesign the Spaulding turnpike between exits 11 and 16 from bonds previously authorized under RSA 273-A:2. **INEXPEDIENT TO LEGISLATE**

Rep. Gene G. Chandler for Public Works: The redesign and reconstruction of the Spaulding Turnpike between exits 11 and 16 is and should remain a top priority. Unfortunately, at the present time funding does not exist for this measure, and unless certain revenue adjustments or other priority construction adjustments are made, the immediate relief in this area is not in the near future. On a brighter note, the Committee will revisit this issue in upcoming weeks as it pours through the Governor's recommendations in the revised 10-year highway plan. The Committee's vote in no way reflects the necessity of the project. Vote 12-5.

Adopted.

HB 1495-FN, relative to taxes paid on simulcast racing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dana F. Kelley for Regulated Revenues: This bill creates parity among the three dog tracks by setting a limit in regard to taxes if a pool falls below \$30,000. The Committee felt this was necessary so as not to place a disproportionate tax burden on small tracks. Vote 15-3.

Amendment (5014B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Racing Program Defined. Amend RSA 284:23 by inserting after paragraph I the following new paragraph:

1-a. For the purposes of this chapter "racing program" means live racing with any number of individual races as determined by the pari-mutuel commission. A live race or racing program may include a combined live and simulcast race where the combination contains at least one more live race to simulcast in the same combination. Any such live racing program or combined racing program upon which a separate tax is paid may constitute a live racing performance day.

2 Definition Changed. Amend RSA 284:23, III to read as follows:

III. The term "total contributions to all pari-mutuel pools" as used in paragraph II(a) shall be construed to mean the total of such contributions for [one day. The term "total contributions to all pari-mutuel pools" as used in paragraph II-a shall be construed to mean the total of such contributions for each racing program; and,] *each racing program; and* where more than one racing program is conducted on the same day, the computation of total contributions to such pari-mutuel pools shall be made separately for each program for the purpose of computing the tax under paragraph II-a *and V*.

3 New Paragraph; Limitation on Tax for Dog Tracks. Amend RSA 284:23 by inserting after paragraph V the following new paragraph:

VI.(a) Notwithstanding the provisions of RSA 284:23, the following limits shall apply:

(1) If the aggregate pari-mutuel pools for all racing programs of live dog racing conducted by a licensee on any day is less than \$30,000 and such licensee conducts no simulcast dog racing on such day, the licensee shall pay a tax of \$300;

(2) If the aggregate pari-mutuel pools for all racing programs of simulcast dog racing conducted by a licensee on any day is less than \$30,000 and such licensee conducts no live dog racing on such day, the licensee shall pay a tax of \$300; and

(3) If the aggregate pari-mutuel pools for all racing programs of live dog racing and simulcast dog racing conducted by a licensee on any day is less than \$30,000, then the licensee shall pay a tax of \$600.

(b) In the event that the aggregate pari-mutuel pools for all racing programs of live dog racing or simulcast dog racing conducted by a licensee on any day is in the amount of \$30,000 or more, then the licensee shall pay the tax calculated under RSA 284:23 without regard to the provisions of subparagraph (a).

4 Applicability. The provisions of this act shall apply only to dog racing.

5 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill defines a racing program for the purposes of assessing taxes on simulcast races.

This bill also establishes a maximum tax for dog racing depending on whether the racing programs are live or simulcast.

Adopted.

Rep. Robert Kelley yielded to questions.

Report adopted and ordered to Ways and Means.

HB 1418-FN-A, relative to the business enterprise tax and reinstituting the bank franchise tax. **INEXPEDIENT TO LEGISLATE**

Rep. Avis B. Nichols for Ways and Means: This bill changes the threshold for filing the Business Enterprise Tax (BET) from \$100,000 to \$150,000. The committee felt it is too early to change a tax which was just passed last year, and so we have no experience with it. This bill also reinstates the bank franchise tax which would be double taxation as it is based on bank interest and dividends and the BET also taxes the same interest and dividends. Vote 13-3.

Adopted.

HB 1478-FN-A, prohibiting the business enterprise tax from being levied retroactively. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard T. Trelfa for the Majority of Ways and Means: Committees of conference often culminate in compromise legislative measures. This was true of the Business Enterprise Tax (BET)/Business Profits Tax measures of 1993. Since other major problems of the present biennium budget were resolved in the same manner, the majority of Ways and Means felt the BET should not be singled out since the question of retroactivity did not arise during House or committee of conference deliberations. Vote 10-6.

Reps. William H. McCann, Jr., Soucy, J. Johnson, Clemons, Ham and Plourde for the Minority of Ways and Means: The Minority believes that retroactive taxes violate Article 23 of Part I of the NH Constitution which prohibits retrospective laws. The Ways and Means Committee never voted on retroactivity, nor did the full House because it was not put into the bill until the committee of conference. The minority cannot support an unconstitutional act for political expedience.

Rep. Buckley moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Cowenhoven spoke against and yielded to questions.

Rep. Soucy spoke in favor.

Rep. Jasper spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 126 - NAYS 206

YEAS 126

BELKNAP

Laflam, Robert

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Russell, Ronald

Champagne, Richard
Lynch, Margaret
Young, David

DePecol, Benjamin
Richardson, Barbara

Foster, Katherine
Riley, William

COOS

Bradley, Paula

Coulombe, Henry

Hawkinson, Marie

Mears, Edgar

GRAFTON

Below, Clifton
McIlwaine, Deborah

Crory, Elizabeth
Nordgren, Sharon

Guest, Robert

Ham, Bonnie

HILLSBOROUGH

Ahern, Richard
Bagley, Amy

Ahlgren, Madelyn
Bergeron, Lucien

Allen, W. Gordon
Bergeron, Normand

Asselin, Robert
Borsa, Andrew

Buckley, Raymond
Daigle, Robert
Gosselin, Gerald
Jean, Claudette
Lessard, Rudy
Moncrief, Keith
O'Rourke, Joanne
Reidy, Frank
Turgeon, Roland

Clemons, Jane
Drabinowicz, A. Theresa
Haettenschwiller, Alphonse
Johnson, Lionel
Lozeau, Donnalee
Morrissette, Roland
Pepino, Leo
Soucy, Donna
Weergang, Alida

Cote, David
Foster, Linda
Hall, Betty
Kirby, Thomas
Martin, Mary Ellen
Murphy, Robert
Philbrook, Paula
Stewart, Thomas
White, John

Crotty, Edward
Gervais, Glen
Hanselman, Gregory
Laughlin, J. Francis
Mittelman, David
Nardi, Theodora
Plourde, Alphonse
Toomey, Kathryn

MERRIMACK

Barberia, Richard
Dunn, Miriam
Newland, Matthew
Trombly, Rick

Braiterman, Thea
French, Barbara
Owen, Derek
Ward, Jay

Coughlin, Anne
Houlahan, Thomas
Rogers, Katherine
Yeaton, Charles

Daneault, Gabriel
Moore, Carol
Teague, Bert

ROCKINGHAM

Campbell, Marilyn
DiPietro, Carmela
Johnson, Bill
Packard, Sherman
St. Martin, Tommy

Caswell, Albert, Jr.
Gargiulo, Louis
Kane, Cecelia
Rosencrantz, James
Syracusa, Anthony

Clark, Martha
Gorman, Donald
McGovern, Cynthia
Schanda, Joseph, Sr.
Vaughn, Charles

Coes, Betsy
Hutchinson, Karen
Newman, Rick
Splaine, James
Warburton, Calvin

STRAFFORD

Brown, George
Hemon, Roland
Loder, Suzanne
Pelletier, Arthur
Sullivan, Henry

Callaghan, Frank
Hilliard, Dana
McGrath, J. Gregory
Pelletier, Marsha
Vincent, Francis

Gilmore, Gary
Kincaid, William
Merrill, Amanda
Rogers, Rose Marie
Wall, Janet

Hambrick, Patricia
Knowles, William
Merritt, Deborah
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

NAYS 206

BELKNAP

Cain, Thomas
Hawkins, Robert
Rosen, Ralph
Ziegra, Alice

Campbell, Richard, Jr.
Holbrook, Robert
Salatiello, Thomas

Dewhirst, Glenn
Johnson, Carl
Smith, Linda

Golden, Paul
Rice, Thomas, Jr.
Turner, Robert

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Hunt, John
Perry, David

Burnham, Daniel
Manning, Joseph
Robertson, Timothy

Cole, Stacey
McNamara, Wanda
Smith, Edwin

Delano, Robert
Metzger, Katherine

COOS

Foss, Frederic

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

GRAFTON

Bean, Pamela
Chase, Paul, Jr.

Brown, Alson
Driscoll, William

Brown, Channing
Eaton, Stephanie

Brown, Patricia
Gordon, Edward

LaMott, Paul
Teschner, Douglass

Larson, Nils, Jr.
Wadsworth, Karen

Rose, William
Ward, Kathleen

Scanlan, David

HILLSBOROUGH

Ahrens, Frederick
Bowers, Dorothy
Chabot, Robert
Domaingue, Jacquelyn
Dykstra, Leona
Franks, Suzan
Holden, Carol
Jasper, Shawn
Kurk, Neal
McCarty, Winston
Milligan, Robert
Packard, Bonnie
Riley, Frances
Smith, Leonard
Vanderlosk, Stanley

Andrews, Frederick
Burke, M. Virginia
Cowenhoven, Garret
Drolet, Paul
Fenton, James
Gagnon, Eugene
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
McRae, Karen
Moore, Elizabeth
Perkins, Paul
Sallada, Roland
Sullens, Joan
Wells, Peter, Sr.

Arnold, Barbara
Calawa, Leon, Jr.
Desrosiers, William
Durham, Susan
Ferguson, Charles
Hart, Nick
Holt, David
Kelley, Dana
Lachut, Ervin
Mercer, Robert
Morello, Michael
Peters, Stanley
Sargent, Maxwell
Tate, Joan
Wheeler, Robert

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Dodge, Emma
Dyer, Merton
Fields, Dennis
Healy, Daniel
Hunter, Bruce
Kelley, Robert
Lown, Elizabeth
Messier, Irene
O'Hearn, Jane
Record, Alice
Searles, Stanley, Sr.
Upton, Barbara
Wright, George

MERRIMACK

Carter, Susan
Fillion, Paul
Holmes, Mary
Lockwood, Robert
Shaw, Randall
Willis, Jack

Chandler, Earle
Gilbreth, Robert
Johnson, C. William
Mitchell, Vernon
Stapleton, Henry

Chandler, John
Hager, Elizabeth
Kidder, William
Nichols, Avis
Whalley, Michael

Feuerstein, Martin
Hall, Douglas
Langer, Ray
Pfaff, Terence
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Chester, Sherman
Crossman, Harold, Jr.
Felch, Charles, Sr.
Flanders, John, Sr.
Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pullman, Robert
Rizzo, Eugene
Smith, Arthur
Welch, David
Yennaco, Carol

Arndt, Janet
Bove, Martin
Christie, Andrew, Jr.
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Katsakiores, George
Lee, Rebecca
Moore, Benjamin
Putnam, Ed, II
Rubin, George
Stone, Joseph
Weyler, Kenneth

Battles, Marjorie
Buco, Stephen
Clark, Vivian
Drake, Herbert
Flanagan, Natalie
Groves, Bonnie
Katsakiores, Phyllis
Lovejoy, Marian
Noyes, Richard
Raynowska, Bernard
Senter, Marilyn
Sytek, Donna
Williamson, William

Beaulieu, Jon
Case, Margaret
Conroy, Janet
Dube, LeRoy
Flanders, David
Hurst, Sharleene
Klemarczyk, Thaddeus
MacDonald, Maurice
Pratt, Katharin
Richards, David
Skinner, Patricia
Sytek, John
Woods, Deborah

STRAFFORD

Douglass, Clyde
Musler, George
Torr, Ann

Dunlap, Patricia
Nehring, William
Torr, Franklin

Keans, Sandra
Pageotte, Donald
Wasson, Richard

McKinley, Robert
Spear, Barbara

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

and the motion failed.
Report adopted.

HB 1513-FN-A, exempting certain veterans' organizations from the business enterprise tax.
INEXPEDIENT TO LEGISLATE

Rep. John F. Weeks, Jr. for Ways and Means: Because the sponsor, or any proponent, failed to appear at the hearing, and because most members of the committee agree it is inappropriate to make changes to the Business Enterprise Tax (BET) so soon after its enactment, the bill was voted inexpedient. Vote 15-1.

Adopted.

Rep. Houlahan wished to be recorded in favor of the bill.

HB 1538-FN-A, to repeal the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Ways and Means: The committee majority believes that it would be unwise to repeal this tax before it has had a reasonable opportunity to take effect. The committee has had testimony in the past that, from an economic development perspective, frequently changing business taxes sends a bad message. Vote 10-6.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 214 NAYS 118

YEAS 214

BELKNAP

Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn	Golden, Paul
Hawkins, Robert	Holbrook, Robert	Johnson, Carl	Laflam, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda	Turner, Robert
Ziegler, Alice			

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy
Mock, Henry	Philbrick, Donald	Saunders, Howard	Wiggin, Gordon

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	Delano, Robert
Hunt, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Perry, David	Robertson, Timothy	Smith, Edwin	

COOS

Foss, Frederic	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
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GRAFTON

Bean, Pamela	Brown, Alson	Brown, Channing	Brown, Patricia
Chase, Paul, Jr.	Driscoll, William	Eaton, Stephanie	Gordon, Edward
LaMott, Paul	Rose, William	Scanlan, David	Teschner, Douglass
Wadsworth, Karen	Ward, Kathleen		

HILLSBOROUGH

Ahrens, Frederick	Allen, W. Gordon	Andrews, Frederick	Arnold, Barbara
Bagley, Amy	Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Clemons, Jane	Cowenhoven, Garret
Daigle, Robert	Desrosiers, William	Dodge, Emma	Domaingue, Jacquelyn
Drolet, Paul	Durham, Susan	Dyer, Merton	Dykstra, Leona
Fenton, James	Ferguson, Charles	Fields, Dennis	Franks, Suzan
Gagnon, Eugene	Hart, Nick	Healy, Daniel	Holden, Carol
Holley, Sylvia	Holt, David	Hunter, Bruce	Jasper, Shawn
Jean, Loren	Kelley, Dana	Kelley, Robert	Kirby, Thomas
Kurk, Neal	L'Heureux, Robert	Lachut, Ervin	Lefebvre, Roland
Lown, Elizabeth	McCarty, Winston	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Moore, Elizabeth
Morello, Michael	O'Hearn, Jane	Packard, Bonnie	Perkins, Paul
Peters, Stanley	Record, Alice	Riley, Frances	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Smith, Leonard	Sullens, Joan
Tate, Joan	Upton, Barbara	Vanderlosk, Stanley	Wells, Peter, Sr.
Wheeler, Robert	Wright, George		

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Hall, Douglas
Langer, Ray
Shaw, Randall
Whittemore, James

Carter, Susan
Fillion, Paul
Holmes, Mary
Lockwood, Robert
Stapleton, Henry
Willis, Jack

Chandler, Earle
Gilbreth, Robert
Johnson, C. William
Nichols, Avis
Ward, Jay

Chandler, John
Hager, Elizabeth
Kidder, William
Pfaff, Terence
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Chester, Sherman
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Hurst, Sharleene
Klemarczyk, Thaddeus
MacDonald, Maurice
Pullman, Robert
Ritzo, Eugene
Skinner, Patricia
Sytek, John
Williamson, William

Arndt, Janet
Bove, Martin
Christie, Andrew, Jr.
DiPietro, Carmela
Felch, Charles, Sr.
Flanders, John, Sr.
Johnson, Robert
Klemm, Arthur, Jr.
Moore, Benjamin
Putnam, Ed, II
Rubin, George
Smith, Arthur
Warburton, Calvin
Yennaco, Carol

Battles, Marjorie
Buco, Stephen
Clark, Vivian
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Katsakiores, George
Lee, Rebecca
Noyes, Richard
Raynowska, Bernard
Schanda, Joseph, Sr.
Stone, Joseph
Welch, David

Beaulieu, Jon
Case, Margaret
Conroy, Janet
Drake, Herbert
Flanagan, Natalie
Groves, Bonnie
Katsakiores, Phyllis
Lovejoy, Marian
Pratt, Katharin
Richards, David
Senter, Marilyn
Sytek, Donna
Weyler, Kenneth

STRAFFORD

Douglass, Clyde
Nehring, William
Torr, Ann

Hilliard, Dana
Pageotte, Donald
Torr, Franklin

McKinley, Robert
Spear, Barbara
Wall, Janet

Musler, George
Sullivan, Henry
Wasson, Richard

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

NAYS 118**BELKNAP**

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Russell, Ronald

Champagne, Richard
Lynch, Margaret
Young, David

DePecol, Benjamin
Richardson, Barbara

Foster, Katherine
Riley, William

COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

GRAFTON

Below, Clifton
Larson, Nils, Jr.

Crory, Elizabeth
McIlwaine, Deborah

Guest, Robert
Nordgren, Sharon

Ham, Bonnie

HILLSBOROUGH

Ahern, Richard
Bergeron, Lucien
Cote, David
Gervais, Glen

Ahlgren, Madelyn
Bergeron, Normand
Crotty, Edward
Gosselin, Gerald

Arnold, Thomas, Jr.
Borsa, Andrew
Drabinowicz, A. Theresa
Haettenschwiller, Alphonse

Asselin, Robert
Buckley, Raymond
Foster, Linda
Hall, Betty

Hanselman, Gregory
 Lessard, Rudy
 Morrisette, Roland
 Pepino, Leo
 Soucy, Donna
 Weergang, Alida

Jean, Claudette
 Lozeau, Donnalee
 Murphy, Robert
 Philbrook, Paula
 Stewart, Thomas
 White, John

Johnson, Lionel
 Martin, Mary Ellen
 Nardi, Theodora
 Plourde, Alphonse
 Toomey, Kathryn

Laughlin, J. Francis
 Moncrief, Keith
 O'Rourke, Joanne
 Reidy, Frank
 Turgeon, Roland

MERRIMACK

Braiterman, Thea
 French, Barbara
 Newland, Matthew
 Trombly, Rick

Coughlin, Anne
 Houlahan, Thomas
 Owen, Derek
 Yeaton, Charles

Daneault, Gabriel
 Mitchell, Vernon
 Rogers, Katherine

Dunn, Miriam
 Moore, Carol
 Teague, Bert

ROCKINGHAM

Campbell, Marilyn
 Gargiulo, Louis
 Kane, Cecelia
 Packard, Sherman
 Syracuse, Anthony

Caswell, Albert, Jr.
 Gorman, Donald
 McGovern, Cynthia
 Rosencrantz, James
 Vaughn, Charles

Clark, Martha
 Hutchinson, Karen
 McKinney, Betsy
 Splaine, James
 Woods, Deborah

Coes, Betsy
 Johnson, Bill
 Newman, Rick
 St. Martin, Tommy

STRAFFORD

Brown, George
 Hambrick, Patricia
 Knowles, William
 Merritt, Deborah
 Snyder, Clair

Callaghan, Frank
 Hemon, Roland
 Loder, Suzanne
 Pelletier, Arthur
 Vincent, Francis

Dunlap, Patricia
 Keans, Sandra
 McGrath, J. Gregory
 Pelletier, Marsha
 Wheeler, Katherine

Gilmore, Gary
 Kincaid, William
 Merrill, Amanda
 Rogers, Rose Marie

SULLIVAN

Allison, David
 Kane, Joan

Burling, Peter
 Palmer, Lorraine

Cloutier, John
 Stamatakis, Carol

Holl, Ann

and the report was adopted.

PARLIAMENTARY INQUIRY

Rep. Loren Jean moved that the Parliamentary Inquiry made by Rep. Gorman be printed in the Journal.

Adopted.

Rep. Gorman: Thank you Mr. Speaker. If I feel this issue has been heard and reheard and heard over again, and if I feel that I am not going to change one vote in this House, and if I think that the members think that Rep. Gorman is one hell of a swell fellow for not putting us through all of this would I now press either the red button or the green button according to my dictates?

SUSPENSION OF RULES

Reps. Ann Torr and Trombly move that the rules be so far suspended as to permit consideration at the present time of the committee reports scheduled for Thursday, February 17.

Adopted by the necessary two-thirds.

REGULAR CALENDAR

HB 1334, regulating the licensure and practice of title insurance agents, including fees. REFER FOR INTERIM STUDY

Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs: Stricter regulation of the title insurance industry is of state and national concern. The National Association of Insurance Commissioners has developed model legislation for states to regulate title insurance agencies and title insurance companies. HB 1334 further urges careful consideration of premium rates allowed relative to actual losses paid. The secondary mortgage market demand for title insurance will be studied. Fees charged for additional title searches and additional title insurance when consumers refinance are also of concern. Vote 16-0.

Adopted.

HB 1562-FN, establishing an uninsured motorist claims fund. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: This bill was viewed as a step towards mandatory insurance for automobiles. Presently all automobile policies within the state do carry an uninsured motorist provision and motorists have the choice in New Hampshire to have insurance or not have insurance. The New Hampshire Insurance Department and Department of Safety both opposed this bill. Vote 16-0.

Adopted.

HB 1246, relative to ballot access for political parties. **OUGHT TO PASS WITH AMENDMENT**

Rep. Calvin Warburton for Constitutional and Statutory Revision: This bill allows a party to be accepted as a legal party in a primary if the party gets three percent of the total vote for Governor or the combined votes of all executive council votes. It allows party status for four years. Vote 8-6.

Amendment (5005B)

Amend the bill by replacing section 1 with the following:

1 "Party Redefined. RSA 652:11 is repealed and reenacted to read as follows:

652:11 Party. "Party" shall mean any political organization which, within the last 4 years, received at least 3 percent of the total number of votes cast in a race for the office of governor, or at least 3 percent of the combined total number of votes cast for all the seats in a race for the office of executive councilor.

Adopted.

Rep. Bove moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with amendment and spoke in favor.

Rep. David Young spoke against.

Rep. Willis spoke in favor and yielded to questions.

Rep. Gilmore spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 186 - NAYS 146**YEAS 186****BELKNAP**

Cain, Thomas
Johnson, Carl
Turner, Robert

Golden, Paul
Lawton, David
Ziegler, Alice

Hawkins, Robert
Rosen, Ralph

Holbrook, Robert
Salatiello, Thomas

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Mock, Henry

CHESHIRE

Cole, Stacey
Smith, Edwin

Delano, Robert

McNamara, Wanda

Perry, David

COOS

Coulombe, Henry

Foss, Frederic

Guay, Lawrence

Horton, Lynn

GRAFTON

Bean, Pamela
Driscoll, William
Teschner, Douglass

Brown, Alson
Gordon, Edward
Wadsworth, Karen

Brown, Patricia
Larson, Nils, Jr.
Ward, Kathleen

Chase, Paul, Jr.
Scanlan, David

HILLSBOROUGH

Allen, W. Gordon
Bergeron, Normand

Andrews, Frederick
Bowers, Dorothy

Arnold, Barbara
Calawa, Leon, Jr.

Bagley, Amy
Cepaitis, Elizabeth

Chabot, Robert
 Durham, Susan
 Franks, Suzan
 Healy, Daniel
 Jasper, Shawn
 Lessard, Rudy
 Mittelman, David
 Murphy, Robert
 Perkins, Paul
 Sargent, Maxwell
 Upton, Barbara
 Wheeler, Robert

Cowenhoven, Garret
 Dyer, Merton
 Gervais, Glen
 Holden, Carol
 Jean, Loren
 Lown, Elizabeth
 Moncrief, Keith
 O'Hearn, Jane
 Philbrook, Paula
 Searles, Stanley, Sr.
 Vanderlosk, Stanley
 Wright, George

Dodge, Emma
 Dykstra, Leona
 Haettenschwiller, Alphonse
 Holley, Sylvia
 Kelley, Robert
 McCarty, Winston
 Morello, Michael
 Packard, Bonnie
 Record, Alice
 Smith, Leonard
 Weergang, Alida

Drolet, Paul
 Fenton, James
 Hart, Nick
 Hunter, Bruce
 Kurk, Neal
 Mercer, Robert
 Morrisette, Roland
 Pepino, Leo
 Riley, Frances
 Tate, Joan
 Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
 Feuerstein, Martin
 Houlahan, Thomas
 Lockwood, Robert
 Stapleton, Henry
 Whittemore, James

Carter, Susan
 Gilbreth, Robert
 Johnson, C. William
 Newland, Matthew
 Teague, Bert
 Willis, Jack

Chandler, Earle
 Hager, Elizabeth
 Kennedy, Richard
 Nichols, Avis
 Ward, Jay

Chandler, John
 Holmes, Mary
 Kidder, William
 Pfaff, Terence
 Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
 Bove, Martin
 Chester, Sherman
 Dowd, Sandra
 Fesh, Robert
 Gage, Beverly
 Johnson, Bill
 Klemm, Arthur, Jr.
 Moore, Benjamin
 Putnam, Ed, II
 Senter, Merilyn
 Stritch, C. Donald
 Woods, Deborah

Arndt, Janet
 Bucu, Stephen
 Christie, Andrew, Jr.
 Drake, Herbert
 Flanagan, Natalie
 Gargiulo, Louis
 Johnson, Robert
 Lee, Rebecca
 Packard, Sherman
 Richards, David
 Skinner, Patricia
 Sytek, Donna
 Yennaco, Carol

Battles, Marjorie
 Campbell, Marilyn
 Conroy, Janet
 Dube, LeRoy
 Flanders, David
 Hemenway, Thomas
 Katsakiores, George
 MacDonald, Maurice
 Pratt, Katharin
 Ritzo, Eugene
 Smith, Arthur
 Welch, David

Boucher, William
 Case, Margaret
 DiPietro, Carmela
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Hutchinson, Karen
 Katsakiores, Phyllis
 McKinney, Betsy
 Pullman, Robert
 Rosencrantz, James
 Stone, Joseph
 Weyler, Kenneth

STRAFFORD

Douglass, Clyde
 McKinley, Robert
 Torr, Ann
 Wasson, Richard

Dunlap, Patricia
 Musler, George
 Torr, Franklin

Keans, Sandra
 Nehring, William
 Vincent, Francis

Knowles, William
 Spear, Barbara
 Wall, Janet

SULLIVAN

Behrens, Thomas
 Rodeschin, Beverly

Holl, Ann
 Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

NAYS 146

BELKNAP

Campbell, Richard, Jr.
 Smith, Linda

Dewhirst, Glenn

Laflam, Robert

Rice, Thomas, Jr.

CARROLL

None

CHESHIRE

Avery, Stephen
 DePecol, Benjamin

Bonneau, Sarah
 Foster, Katherine

Burnham, Daniel
 Hunt, John

Champagne, Richard
 Kingsbury, H. Thayer

Lynch, Margaret
Robertson, Timothy

Manning, Joseph
Russell, Ronald

Richardson, Barbara
Young, David

Riley, William

COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

Pratt, Leighton

GRAFTON

Below, Clifton
Ham, Bonnie
Rose, William

Crory, Elizabeth
LaMott, Paul

Eaton, Stephanie
McIlwaine, Deborah

Guest, Robert
Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard
Asselin, Robert
Burke, M. Virginia
Daigle, Robert
Ferguson, Charles
Hall, Betty
Jean, Claudette
L'Heureux, Robert
Lozeau, Donnalee
Milligan, Robert
Peters, Stanley
Soucy, Donna
Turgeon, Roland

Ahlgren, Madelyn
Bergeron, Lucien
Clemons, Jane
Desrosiers, William
Foster, Linda
Hanselman, Gregory
Johnson, Lionel
Lachut, Ervin
Martin, Mary Ellen
Moore, Elizabeth
Plourde, Alphonse
Stewart, Thomas
White, John

Ahrens, Frederick
Borsa, Andrew
Cote, David
Domaingue, Jacquelyn
Gagnon, Eugene
Holt, David
Kelley, Dana
Laughlin, J. Francis
McRae, Karen
Nardi, Theodora
Reidy, Frank
Sullens, Joan

Arnold, Thomas, Jr.
Buckley, Raymond
Crotty, Edward
Drabinowicz, A. Theresa
Gosselin, Gerald
Holt, Mark
Kirby, Thomas
Lefebvre, Roland
Messier, Irene
O'Rourke, Joanne
Sallada, Roland
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Fillion, Paul
Mitchell, Vernon
Shaw, Randall

Coughlin, Anne
French, Barbara
Moore, Carol
Trombly, Rick

Daneault, Gabriel
Hall, Douglas
Owen, Derek
Wallner, Mary Jane

Dunn, Miriam
Langer, Ray
Rogers, Katherine
Yeaton, Charles

ROCKINGHAM

Beaulieu, Jon
Coes, Betsy
Hurst, Sharleene
McGovern, Cynthia
Schanda, Joseph, Sr.
Warburton, Calvin

Caswell, Albert, Jr.
Crossman, Harold, Jr.
Kane, Cecelia
Noyes, Richard
St. Martin, Tommy
Williamson, William

Clark, Martha
Gorman, Donald
Klemarczyk, Thaddeus
Raynowska, Bernard
Syracusa, Anthony

Clark, Vivian
Groves, Bonnie
Lovejoy, Marian
Rubin, George
Vaughn, Charles

STRAFFORD

Brown, George
Hemon, Roland
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

Callaghan, Frank
Hilliard, Dana
Merrill, Amanda
Pelletier, Marsha
Wheeler, Katherine

Gilmore, Gary
Kincaid, William
Merritt, Deborah
Rogers, Rose Marie

Hambrick, Patricia
Loder, Suzanne
Pageotte, Donald
Snyder, Clair

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Domini, Irene

and the substitute motion was adopted.
Substituted report adopted.

HB 1304, allowing animal shelter facilities to use foster homes. OUGHT TO PASS WITH AMENDMENT

Rep. M. Kathryn Aranda for Environment and Agriculture: This bill allows humane societies who do not have their own boarding facilities to place animals temporarily in local homes which have been inspected and certified by the State veterinarian. Vote 16-0.

Amendment (5101B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to licensure of humane societies without animal shelters.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Licensure of Humane Societies Without Animal Shelters. Amend RSA 437 by inserting after section 3 the following new section:

437:3-a Licensure of Humane Societies Without Animal Shelters. Any duly incorporated humane society, animal welfare society, or society for the prevention of cruelty to animals that does not own, operate, and maintain its own animal shelter facility may be licensed under this chapter, provided that each place where animals are kept has been inspected by the state veterinarian, or designee, within 30 days of the issuance or renewal of the license, and certified by the state veterinarian, or designee, to be in compliance with health and sanitation standards adopted by rule by the department of agriculture. In addition, prior to the issuance or renewal of its license, the humane society shall provide the department with a list of places where animals are kept and consents signed by the owners of those premises authorizing the department to inspect them. The department shall adopt rules, under RSA 541-A, relative to the form and content of a certificate of compliance and an owner's consent to inspection.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes licensure of humane societies which do not own or operate their own animal shelter facility, provided that each place where animals are kept are inspected and found to be in compliance with the health and sanitation requirements established by the department of agriculture.

Rep. Aranda yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 1290-FN, changing the salary of the deputy bank commissioner and removing the bank commissioner as an ex officio voting member of the New Hampshire retirement system board of trustees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ray F. Langer for Executive Departments and Administration: The committee felt that an individual who contributes in excess of what is expected should be rewarded. Based upon the testimony it received, it also agreed that the bank commissioner should be replaced by the state treasurer as a retirement system trustee. Vote 10-5.

Amendment (4741B)

Amend the title of the bill by replacing it with the following:

AN ACT

changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.

Amend the bill by replacing sections 2-3 with the following:

2 Salary; Deputy Bank Commissioner. Amend RSA 94:1-a, I by inserting in Group P the following: Deputy bank commissioner

3 Administration; New Hampshire Retirement System Board of Trustees. Amend RSA 100-A:14, I to read as follows:

1. The administration of this system is vested in a board of 13 trustees. The [bank commissioner] *state treasurer* shall be an ex officio voting member of the board but shall abstain from voting on the placement of funds in New Hampshire banks. The governor and council shall appoint 2 trustees, to be known as non-member trustees, who shall be qualified persons with business experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified, except that the original appointment of one of the non-member trustees shall be for a term of one year. The remaining 10 members of the board shall consist of 2 employees, 2 teachers, 2 permanent police-

men, 2 permanent firemen, one member of the senate who serves on the insurance committee and who shall be appointed annually by the senate president, and one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, and the New Hampshire state permanent firemen's association shall each annually nominate from their members a panel of 5 persons, all of whom shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall originally appoint 2 persons, and thereafter one annually to the board. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years, except that the original appointments of one of the persons from each panel shall be for a term of one year. Each member so appointed shall hold office until his successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees. The chairman, the senate member, the house member, and the 4 group I members shall constitute one subcommittee and the chairman, the senate member, the house member, and the 4 group II members shall constitute another subcommittee. Each subcommittee shall, relative to the members of their respective group, consider policy problems and make recommendations relative to the same to the board of trustees and make recommendations to the board of trustees concerning applications under the provisions of RSA 100-A:6. For the purposes of transacting any business, 4 members of a subcommittee shall constitute a quorum.

AMENDED ANALYSIS

This bill changes the salary of the deputy bank commissioner and replaces the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.

Adopted.

Report adopted and referred to Appropriations.

HB 1384, regulating art therapists and authorizing licensing fees. REFER FOR INTERIM STUDY

Rep. Sandra K. Dowd for Executive Departments and Administration: With time constraints, the committee felt the necessary work and additional information needed that interim study will provide was the correct decision at this time. Vote 15-1.

Adopted.

SPECIAL ORDERS

Rep. Kathleen Ward moved that **HB 1448-FN**, requiring that certain documents and publications be included in the state depository law and **HB 1548**, relative to medical and surgical benefits for state employees be made Special Orders for Thursday, February 17.

Adopted.

Rep. Gene Chandler moved that **HB 1374**, requiring the department of transportation to study United States Route 4 between New Hampshire route 108 and Scammel Bridge be made a Special Order for Thursday, February 17.

On a division vote, 233 members having voted in the affirmative and 70 in the negative, the motion was adopted.

REGULAR CALENDAR (Cont'd.)

HB 1553-A, making a capital appropriation to the supreme court for the design and construction of an administrative office building. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Public Works: The Public Works Committee and the Senate Capital Budget Committee toured the Supreme Court building. Following the visit and much discussion, the Committee decided to recommend \$150,000 for the design. The basement of the present building houses a number of employees and the working conditions and air quality are marginal at best. The Committee feels that the requested amount of \$1.5 million is in excess of what will be needed to properly correct the present serious deficiencies. Vote 18-0.

Amendment (4990B)

Amend the title of the bill by replacing it with the following:

AN ACT

making a capital appropriation to the supreme court for the design
of an administrative office building.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Supreme Court. The sum of \$150,000 is appropriated to the supreme court for the design of an administrative office building.

2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$150,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill makes a capital appropriation to the supreme court for the design of an administrative office building.

Rep. Keans yielded to questions.

Rep. Gene Chandler spoke in favor.

Adopted.

Report adopted and referred to Appropriations.

SPECIAL ORDER

Rep. Gene Chandler moved that **HB 1571-A**, appropriating funds for renovations to the Brown building be made a Special Order for Thursday, February 17.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1336, restricting services which holders of licenses under RSA 178 may perform for privately owned retail establishments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas A. Behrens for Regulated Revenues: As amended this bill allows grocers, beer distributors and brewers to return to the working relationship which existed until earlier this year. Simply, this legislation permits distributors to honor their franchise agreements with the brewers and distributors concerning product service. Vote 13-0.

Amendment (5140B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to services which certain liquor licensees may perform with
regard to beverage stocking and displays.

Amend the bill by replacing all after the enacting clause with the following:

1 Stocking Beverages for Display Purposes. Amend RSA 179:11, II to read as follows:

II. There shall be no restriction on the number of off-sale licenses held by any person. No holder of a beverage manufacturer license, wholesale distributor license, beverage vendor license, beverage vendor importer license or beverage representative license shall in any way contribute or pay any money or anything in lieu thereof to any on-sale or off-sale licensee, his agent, his employees, or to any group, association, or organization thereof. Nothing in this section shall prohibit any licensee from being a member of a club holding a permit or license under this title, nor prohibit the sale or purchase, for resale, of merchandise or beverages for

the conduct of the business of any on-sale or off-sale licensee. *Nothing in this section shall prohibit a holder of a beverage manufacturer license, wholesale distributor license, beverage vendor license, beverage vendor importer license or beverage representative license from bringing such holder's own product from the storeroom of an on-sale or off-sale licensee to a warm shelf, display, refrigerated retail space, or refrigerated storage. Nothing in this section shall prohibit the holder of a beverage manufacturers license, wholesale distributors license, beverage vendors license, beverage vendor importers license, or beverage representative license from rotating, reorganizing, cleaning and resetting such holder's own product once the product is on an on-sale or off-sale licensee's warm shelf, or in an on-sale or off-sale licensee's refrigerated retail space, or refrigerated storage.*

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows certain liquor licensees to stock beverages for retail display or refrigerated storage purposes.

Adopted.

Rep. Behrens yielded to questions.

Report adopted and ordered to third reading.

HB 1515-FN, relative to emissions reduction credits trading program. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly T. Rodeschin and Rep. Richard L. Cogswell for Science, Technology and Energy: This proposed legislation updates the provisions of Chapter 199 passed in the 1993 session. A statutory committee worked for the last several months drafting this bill. If passed, this legislation will allow for trading of emission reduction credits which will be critical for those New Hampshire businesses which must meet the offset provisions of the federal Clean Air Act. Passage of this bill will be an important component of job growth in the manufacturing sector of New Hampshire. Vote 11-0.

Amendment (4984B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court hereby finds that any emissions reductions greater than what is required by the Clean Air Act from stationary sources, mobile sources, area sources, and off-road sources shall be used, to the greatest extent possible, for economic development in New Hampshire.

2 Emissions Reduction Credits Trading Program. RSA 125-J is repealed and reenacted to read as follows:

CHAPTER 125-J

EMISSIONS REDUCTION CREDITS TRADING PROGRAM

125-J:1 Definitions. In this chapter:

I. "Actual emissions" means the rate, in tons per year, at which the device or source actually emitted a pollutant during calendar year 1990, or the average rate, in tons per year, at which the device or source actually emitted a pollutant during any 2-year period which precedes the date of application by no more than 5 years and which is representative of normal production rates, and which the division determines does not jeopardize any attainment demonstration under the Clean Air Act. Actual emissions shall be calculated using factors such as the source's actual operating hours, production rates, stack emissions rates, and types of materials processed, stored, or combusted during the applicable period.

II. "Allowable emissions" means the emission rate of a device or source calculated using the maximum rated capacity of the device or source, or, if applicable, federally required limits which restrict the emission rate, operating rate, or hours of production, so as not to exceed any of the following:

(a) Any applicable standard set forth in 40 CFR part 60 or 40 CFR part 61;

(b) Any applicable New Hampshire state implementation plan emissions limitation, including a limitation with a future compliance date; or

(c) Any emissions rate specified as a condition of any permit issued by the division or EPA, including an emission limitation with a future compliance date.

III. "Area source" means stationary or non-road sources of emissions which are too small or to numerous too be individually included in a stationary source emissions inventory maintained by the division.

IV. "Attainment demonstration" means emissions reductions required to satisfy reasonable further progress and attainment of national ambient air quality standards under the Clean Air Act.

V. "Baseline emissions" means actual emissions or allowable emissions, whichever is less, as certified by the department.

VI. "Bubbling" means an alternate emissions control strategy where two or more existing devices or sources are placed under a hypothetical bubble which is regarded, for the purpose of achieving emissions reductions, as a single device or source.

VII. "Clean Air Act" or "CAA" means the Clean Air Act, 42 U.S.C. section 7401, et seq., as amended, and all final regulations adopted thereunder.

VIII. "Commissioner" means the commissioner of the department of environmental services.

IX. "Department" means the department of environmental services.

X. "Device" means "device which contributes to air pollution" as defined in RSA 125-C:2, VI.

XI. "Director" means the director of the division of air resources, department of environmental services.

XII. "Division" means the division of air resources, department of environmental services.

XIII. "Emissions reduction credit certificate" means the document issued by the department certifying emissions reductions for use consistent with this chapter.

XIV. "Emissions reduction credits" or "ERCs" mean the actual air pollutant reductions from an emitting device or source that have been certified by the department as enforceable, permanent, quantifiable, real, and surplus. One ERC shall represent 2,000 pounds (1 ton) of emissions reduction per calendar year.

XV. "Enforceable" means those limitations and conditions on the operating rate, hours of production, or types of materials processed, stored, or combusted of a source or device which are incorporated into a permit issued by the division or EPA, an emissions reduction credit certificate issued by the department pursuant to this chapter, or a revision to the SIP.

XVI. "EPA" means the United State Environmental Protection Agency.

XVII. "Mobile source" means on-road vehicles such as automobiles, trucks, and motorcycles and non-road vehicles such as trains, airplanes, agricultural equipment, construction vehicles, off-road recreational vehicles and motorcycles, and boating vessels.

XVIII. "Netting" means reductions in actual emissions achieved in order for a source or device to become exempt from preconstruction permit requirements under RSA 125-C, the Clean Air Act and 40 CFR 51.

XIX. "Offset" means the use of an emissions reduction credit to compensate for emissions increases of a nonattainment pollutant from a new major stationary source or device or from a major modification to a stationary source or device subject to the requirements of the Clean Air Act.

XX. "Permanent" means that the emissions reductions implemented for the purpose of generating ERCs must be assured for as long as the ERCs are to be utilized consistent with this chapter.

XXI. "Person" means a person as defined in RSA 125-C:2, X who has been issued a permit by the division or the EPA, or a person as defined in RSA 125-C:2, X who owns, operates, or controls any area source, mobile source, or non-permitted source of air pollution for which reductions in pollutant emissions are eligible for certification under this chapter, or the state, except as provided in RSA 125-J:5, I and II.

XXII. "Public emissions credit" means emissions reduction credits acquired by the state either through certifying emissions reductions on state devices, area sources, mobile sources, and sources, transfer, shutdown of devices and sources, or from emissions reductions achieved by implementation of applicable state law more stringent than the federal minimum requirements under the Clean Air Act.

XXIII. "Quantifiable" means that the amount, rate, and characteristics of an ERC have been calculated over the life of the ERC, in accordance with applicable control technology guidance documents issued by EPA, AP-42, as amended by the EPA, and by any other method approved by the department or by the EPA.

XXIV. "Reasonably available control technology" or "RACT" means the lowest emission limitation that a source or device is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

XXV. "Real" means the reduction in baseline emissions from a device or source released into the air.

XXVI. "Shutdown" means the cessation of production operations by a person who owns, operates, or controls a device or source.

XXVII. "Source" means any stationary building, structure, facility, or installation which emits or may emit any regulated air pollutant.

XXVIII. "State implementation plan" or "SIP" means the most recently prepared plan or revision thereof required by the Clean Air Act, and rules adopted by the department and single source SIP revisions which have been approved by the EPA or submitted for approval by the EPA.

XXIX. "Surplus" means emission reductions achieved from baseline emissions which are not otherwise required under the Clean Air Act or by the SIP for compliance with any attainment demonstration under the Clean Air Act, or by any administrative or judicial order, consent agreement or enforcement action.

XXX. "Transfer" means the conveyance of an emissions reduction credit certificate from one person to another person, with or without consideration.

125-J:2 Establishment. There is established an emissions reduction credits trading program to facilitate compliance with the requirements of the Clean Air Act.

125-J:3 Nature of Emissions Reduction Credits.

I. An emissions reduction credit certified by the department and issued to a device or source under this chapter is a limited authorization to hold and transfer such credits. Emissions reduction credits do not constitute a property right. Nothing in this chapter shall be construed as modifying the requirements of the Clean Air Act or RSA 125-C, as amended.

II. Emissions reduction credits, once certified and issued by the department, may be received, held, and temporarily or permanently transferred in accordance with the provisions of this chapter for so long as the credits remain certified by the department.

125-J:4 Certification of Emissions Reduction Credits.

I. The department shall establish and administer a process for the application, certification, revocation and enforcement of emission reduction credits for the following regulated pollutants: volatile organic compounds (VOCs), oxides of nitrogen (NOx), and carbon monoxide (CO).

II. Any person may be credited with emissions reductions occurring after December 31, 1990.

III. The department shall issue emissions reduction credits to any person upon certification by the department that the emissions reductions are real, surplus, quantifiable, enforceable, and permanent, and that a device or source is not in violation of any emissions limitation of a permit issued by the division or EPA, any consent agreement, or court order.

IV. The department shall issue an emission reduction credit certificate to any person having certified emissions reduction credits. The certificate shall be in the name of the permit holder for a device or source, and in the name of the person certifying the emissions reduction for the device, area source, mobile source, and sources exempt from permitting requirements under RSA 125-C. The total amount of ERCs certified to a device, area source, mobile source, and source, together with any conditions required to ensure that such ERCs remain real, surplus, permanent, enforceable and quantifiable for the life of the ERC, shall be recorded on the certificate and, for every permitted device and source, as an amendment to any permit issued for the device or source by the division or by the EPA. The term of the emissions reduction credit certificate shall not exceed 5 years.

V. All emissions reductions obtained from devices, area sources, mobile sources, and sources shall be eligible for certification, regardless of whether the reductions were gener-

ated from previously permitted emissions, provided that the department determines that the reductions are real, surplus, quantifiable, enforceable and permanent, and that such reductions are certified in accordance with the Clean Air Act.

VI. Emissions reductions shall be certified for use on a calendar year basis. The minimum amount of emission reductions eligible under this chapter for certification shall be 1 ton per calendar year, per pollutant. ERCs shall be certified in a ratio of 1 ton per calendar year of credit for 1 ton per calendar year of reduction for each pollutant. Emissions reductions of less than 1 ton may be aggregated in order to achieve the minimum 1 ton requirement.

VII. The director may suspend, modify, or revoke any emissions reduction credits certificate issued under this chapter, or any portion thereof, upon a finding, following a hearing:

(a) That the certificate holder has committed a violation of this chapter, or any rule, order, permit, or certificate condition in force and applicable to it;

(b) That the certificate contains a material mistake or that the certificate, or its terms or conditions, were established and issued on the basis of inaccurate information; or

(c) That the certificate issued must be revised to assure that the reductions represented thereon are and remain quantifiable, real, permanent, enforceable and surplus, and in compliance with all terms and conditions issued thereto.

125-J:5 Use of Emissions Reduction Credits.

I. The department shall maintain and publish on January 1, and July 1 of every year a list of emissions reduction credit certificates which have been issued. The department shall update the list on a monthly basis no later than the 10th day of the month, and shall make the updated list available upon request under RSA 91-A. An emission reduction credit certificate and the ERCs represented thereon shall be transferable among and between persons, as defined in RSA 125-C:2, X, and the state upon 7 days prior written notice to the department.

II. Emissions reduction credits may be received, held, and transferred for so long as the credits are certified by the department. Any person as defined in RSA 125-C:2, X and the state may transfer any amount of ERCs at any time during the calendar year as provided in this chapter.

III. Emissions reduction credits may be used by a device or source to satisfy any requirement under the Clean Air Act or RSA 125-C for offsets, RACT, bubbling and netting, in accordance with the provisions of this chapter and as otherwise provided by the Clean Air Act and RSA 125-C. Emissions reduction credits shall not be used by a device or source to meet the requirements of, or result in a violation of, federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPS), the requirements for Lowest Available Emission Rate (LAER), the requirements for Best Available Control Technology (BACT), the requirements for Maximum Available Control Technology (MACT), any National Ambient Air Quality Standard for criteria pollutants, any Prevention of Significant Deterioration (PSD) increment, or any reduction required as the result of any state or federal enforcement action, consent agreement, or court order.

IV. Emissions reduction credits which have been certified to, or emissions reductions which are eligible for certification to, a device or source which shuts down its production operations shall be public emission credits and shall revert to the state for use consistent with this chapter, except where such ERCs are to be used at other devices and sources within the state by the person or persons who owned, operated or controlled the device or source that was shutdown.

V. Public emissions credits obtained by the state pursuant to this chapter shall be used or held for use by the governor and council for meeting any requirement of the state implementation plan, any attainment demonstration under the Clean Air Act, or for transfer to new or existing devices and sources in the state which require offsets under the Clean Air Act. In determining the use or transfer of public credits, the governor and council shall consider the following criteria:

(a) Whether the credits will result in job retention, which shall be the highest priority.

(b) Whether the credits will be used for economic development in New Hampshire.

(c) Whether a prospective company offers the best prospects for long-term growth and job creation.

(d) Current New Hampshire businesses shall be given priority over businesses relocating to New Hampshire.

(e) The market value of the credits.

(f) No less than 75 percent of public emissions credits generated in serious nonattainment areas shall be applied to requirements applicable in serious nonattainment areas.

VI. Funds from the sale of public emissions credits shall be placed in a special account within the air resources permit fund to be used by governor and council for the acquisition and generation of ERCs for future economic development.

VII. The use of emissions reduction credits by a utility as defined in RSA 362:2 shall be subject to such additional conditions as ordered pursuant to applicable law by the public utilities commission.

125-J:6 Trading of Emission Reduction Credits.

I. ERCs generated by devices and sources subject to RACT which are transferred to devices and sources subject to RACT shall be transferred in the ratio of 1:1.

II. ERCs generated by devices, area sources, mobile sources, and sources not subject to RACT which are transferred for use by devices and sources in satisfying any RACT requirement under the Clean Air Act shall be transferred in accordance with the offset ratios for nonattainment areas as provided in the Clean Air Act.

III. ERCs certified for reductions of either nitrogen oxides (NOx) or volatile organic compounds (VOCs) under RSA 125-J:4, I, shall be eligible to satisfy any applicable offset requirements for the other, provided the division determines that such proposed substitution does not jeopardize any attainment demonstration and does not violate any applicable requirement of the National Emissions Standards for Hazardous Air Pollutants (NESHAPS). Upon such a determination by the department, substitution of NOx and VOCs reductions shall be in the ratio of 1:1.

IV. The ratios provided in paragraphs I, II, and III are established solely for the purpose of transferring ERCs between devices and sources and do not modify the offset requirements of the Clean Air Act.

V. Interstate trading of ERCs shall be permitted as approved by EPA and in accordance with rules adopted pursuant to this chapter.

125-J:7 Inspection and Monitoring.

I. The director or his authorized representative may enter at all reasonable times in or upon any private or public property, except private residences, for the purpose of inspecting any device or source for which an ERC has been issued, or at which an ERC is being used, and for the purpose of inspecting or investigating any condition which is believed to be in violation of any of the rules adopted or orders issued hereunder, or any emissions reduction credits certificate issued hereunder. Any information, other than emission data, relating to trade secret processes or methods of manufacture or production obtained in the course of such inspection or investigation shall not be disclosed by the director without permission of the person whose source or device is inspected or investigated.

II. The director may require persons certifying and using ERCs to collect, maintain, and submit data necessary to ensure that ERCs are and remain in compliance with all requirements of this chapter and the Clean Air Act, and with the conditions of the emissions reduction credits certificates issued hereunder.

125-J:8 Enforcement.

I. Whenever the director finds that a person who has been issued an ERC has violated the provisions of this chapter, any rules in force hereunder, or any condition of an emissions reduction credits certificate issued hereunder, the director shall issue a notice of violation and an order of abatement establishing a compliance schedule with which the device, area source, mobile source, and source shall comply. Such order of abatement shall become final and enforceable by the director within 30 days of its issuance unless an appeal is filed with the air resources council before the expiration of said 30-day period. The council shall hold a hearing on any such appeal promptly and shall thereafter issue a decision upholding, modifying or abrogating the director's order or abatement or any part thereof. The council's decision shall become final 10 days after it is issued.

II. Any violation of this chapter, any rule adopted or final orders issued under this chapter, and any emissions reduction credits certificates issued under this chapter shall be subject to enforcement by injunction, including mandatory injunction, issued by the superior court upon application by the attorney general.

125-J:9 Penalties.

I. Any person who violates any of the provisions of this chapter, or any rule adopted or order issued under this chapter, and any person who omits material information or makes any false statement or representation in connection with the certification of emission reduction credits shall be subject to a civil penalty not to exceed \$25,000 for each violation and each day of a continuing violation.

II. Any person who knowingly or willfully violates any of the provisions of this chapter or any rule adopted or order issued under this chapter, and any person who knowingly or willfully omits material information or makes any false statement or representation in connection with the certification of emissions reduction credits shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

III. Any person found guilty of any violation pursuant to RSA 125-J:8, II, notwithstanding RSA 651:2, and in addition to any sentence of imprisonment, probation, or conditional discharge, may be fined not more than \$25,000 for each violation and each day of a continuing violation.

125-J:10 Liability of Purchasers of Emission Reduction Credits Limited.

I. Notwithstanding RSA 125-J:4, VII, an emissions reduction credits certificate issued pursuant to this chapter shall not be suspended, revoked, or modified during the term of the certificate for a person who has purchased such a certificate for use as permitted under this chapter, and who can establish by a preponderance of the evidence that the certificate was purchased without any knowledge that the emissions reduction credits represented thereon were not real, surplus, permanent, and quantifiable, or that the person certifying the credits was in violation of any emissions limitation of a permit issued by the division or EPA, or any RACT or offset requirement under the Clean Air Act and RSA 125-C.

II. There shall be no liability under RSA 125-J:8 and RSA 125-J:9 for a violation of an emissions reduction credits certificate or for a violation of a condition of a permit relating to the use of emissions reduction credits during the term of the certificate or permit for a person who has purchased such a certificate for use as permitted under this chapter, and who can establish by a preponderance of the evidence that the certificate was purchased without any knowledge that the emission reduction credits represented thereon were not real, surplus, permanent, and quantifiable, or that the person certifying the credits was in violation of any emission limitation of a permit issued by the division or EPA, or any RACT or offset requirement under the Clean Air Act and RSA 125-C.

125-J:11 Advisory Committee.

I. There is established the emissions trading advisory committee composed of the following members:

(a) Four representatives, appointed by the speaker of the house, of whom one is from the house science, technology, and energy committee; one is from the house environment and agriculture committee; and one is from the house economic development committee, and one of whom is a member of a minority party.

(b) Two senators, appointed by the senate president, of whom one is from the senate environment committee, and one is from the senate economic development committee.

(c) The commissioner of environmental services, or designee.

(d) The director of the division of air resources, department of environmental services.

(e) The commissioner of resources and economic development, or designee.

(f) The chairperson of the public utilities commission, or designee.

(g) The governor, or designee.

(h) The attorney general, or designee.

(i) Two members of the public, of whom one shall represent business and industry, and one shall represent an environmental organization, appointed by the governor.

II. The speaker of the house shall convene the first meeting no later than July 1, 1994. The committee shall elect a chairperson and vice-chairperson, and subsequent meetings shall be at the call of the chair or 6 or more committee members. The terms of the members shall be coterminous with their terms of office. The terms of the public members shall be 2 years.

III. The committee shall perform an ongoing evaluation of the effectiveness of the emissions reduction credits trading program and report its findings and recommendations to the

governor and council, the speaker of the house, the senate president, the house environment and agriculture, the science, technology and energy, and the economic development committees and the senate environment and economic development committees by October 1 of each year.

IV. The committee shall also review and make recommendations to the commissioner on any proposed rule to be adopted under this chapter.

125-J:12 Rulemaking Authority; Submission.

I. Notwithstanding RSA 541-A, the commissioner shall adopt special temporary rules not subject to RSA 541-A as expeditiously as possible after the effective date of this chapter. The commissioner shall submit proposed rules pursuant to RSA 541-A no later than 1 year after the effective date of this chapter. Such temporary and permanent rules shall include, but not be limited to, the following:

(a) The forms and information required on applications for the certification of emissions reduction credits.

(b) The methods to be used to determine that emissions reductions by all eligible sources and devices are real, surplus, quantifiable, enforceable, and permanent for the life of the credit.

(c) The allowable emissions controls for use in achieving emissions reductions, including, but not limited to, early implementation of future emissions controls and seasonal controls.

(d) The criteria for the modification, suspension, and revocation of an emissions reduction credits certificate.

(e) The data and information required for the monitoring of ERCs.

(f) Public notice and hearing procedures for the certification and revocation of emissions reduction credits.

(g) Interstate trading of emissions reduction credits.

II. Any proposed special temporary rules to be adopted under paragraph I shall be submitted for review and recommendation to the emissions trading advisory committee and the air resources council at least 30 days prior to adoption. Any proposed rules to be adopted pursuant to RSA 541-A shall be submitted to the emissions trading advisory committee for review and recommendation at least 30 days prior to filing a notice of proposed rule with the director of legislative services under RSA 541-A:3-a.

3 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

HB 1558-FN, relative to certification of cable franchise authorities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Gary R. Gilmore for the Majority of Science, Technology and Energy: The committee felt that this bill was needed today because of the many problems besetting the cable industry and municipalities and ever changing federal law. The bill imposes a fee of less than one cent per month on cable subscribers to fund the legislation. Vote 7-3.

Reps. Richard L. Cogswell and David B. Holt for Science, Technology and Energy: The minority, having reviewed the cable issue extensively, disagrees with the estimated cost of the director, using a dedicated fund, administratively attaching this new division to Department of State, that the board makeup is difficult to understand. The minority is of the opinion that this division should go to the office of Consumer Advocate and that interim study is needed to implement the details.

Rep. McRae moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Gilmore spoke against and yielded to questions.

Roll call sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 181 - NAYS 135

YEAS 181

BELKNAP

Cain, Thomas
Holbrook, Robert
Turner, Robert

Campbell, Richard, Jr.
Laflam, Robert
Ziegler, Alice

Golden, Paul
Lawton, David

Hawkins, Robert
Rice, Thomas, Jr.

CARROLL

Allard, Nanci	Beach, Mildred	Chandler, Gene	Cogswell, Richard
Lyman, L. Randy	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Avery, Stephen	DePecol, Benjamin	Delano, Robert	Hunt, John
Manning, Joseph	McNamara, Wanda	Metzger, Katherine	Smith, Edwin
Young, David			

COOS

Coulombe, Henry	Foss, Frederic	Horton, Lynn
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GRAFTON

Brown, Alson	Brown, Channing	Brown, Patricia	Chase, Paul, Jr.
Eaton, Stephanie	Gordon, Edward	Rose, William	Wadsworth, Karen
Ward, Kathleen			

HILLSBOROUGH

Ahrens, Frederick	Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.
Asselin, Robert	Borsa, Andrew	Bowers, Dorothy	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Cowenhoven, Garret	Crotty, Edward	Desrosiers, William	Dodge, Emma
Domaingue, Jacquelyn	Drolet, Paul	Durham, Susan	Dyer, Merton
Fenton, James	Ferguson, Charles	Franks, Suzan	Gervais, Glen
Gosselin, Gerald	Hart, Nick	Holden, Carol	Holley, Sylvia
Holt, David	Holt, Mark	Hunter, Bruce	Johnson, Lionel
Kelley, Dana	Kelley, Robert	Kirby, Thomas	Kurk, Neal
Lachut, Ervin	Lefebvre, Roland	Lessard, Rudy	Lown, Elizabeth
Martin, Mary Ellen	McRae, Karen	Mercer, Robert	Messier, Irene
Mittelman, David	Morello, Michael	Murphy, Robert	O'Hearn, Jane
Packard, Bonnie	Pepino, Leo	Perkins, Paul	Peters, Stanley
Riley, Frances	Sargent, Maxwell	Smith, Leonard	Soucy, Donna
Tate, Joan	Turgeon, Roland	Upton, Barbara	Vanderlosk, Stanley
Weergang, Alida	Wells, Peter, Sr.	Wheeler, Robert	Wright, George

MERRIMACK

Chandler, Earle	Daneault, Gabriel	Fillion, Paul	Holmes, Mary
Houlahan, Thomas	Johnson, C. William	Kennedy, Richard	Kidder, William
Langer, Ray	Nichols, Avis	Pfaff, Terence	Shaw, Randall
Stapleton, Henry	Teague, Bert	Whalley, Michael	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Boucher, William	Buco, Stephen	Campbell, Marilyn	Case, Margaret
Chester, Sherman	Christie, Andrew, Jr.	Clark, Vivian	Conroy, Janet
Crossman, Harold, Jr.	Dowd, Sandra	Drake, Herbert	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, David
Gage, Beverly	Gargiulo, Louis	Hemenway, Thomas	Hurst, Sharleene
Johnson, Bill	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Lee, Rebecca	Lovejoy, Marian	MacDonald, Maurice	McKinney, Betsy
Moore, Benjamin	Noyes, Richard	Packard, Sherman	Pullman, Robert
Putnam, Ed, II	Richards, David	Ritzo, Eugene	Rosencrantz, James
Rubin, George	Smith, Arthur	Stritch, C. Donald	Sytek, Donna
Sytek, John	Vaughn, Charles	Weyler, Kenneth	Williamson, William

STRAFFORD

Brown, George	Douglass, Clyde	Dunlap, Patricia	Kincaid, William
Knowles, William	Spear, Barbara	Torr, Franklin	Wall, Janet
Wasson, Richard			

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Holl, Ann
Schotanus, Merle

Kane, Joan

Peyron, Fredrik

NAYS 135**BELKNAP**

Dewhirst, Glenn

Rosen, Ralph

Salatiello, Thomas

Smith, Linda

CARROLL

Bradley, Jeb
Philbrick, Donald

Dickinson, Howard, Jr.

Foster, Robert

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Richardson, Barbara

Burnham, Daniel
Kingsbury, H. Thayer
Riley, William

Champagne, Richard
Lynch, Margaret
Russell, Ronald

Cole, Stacey
Perry, David

COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

Pratt, Leighton

GRAFTON

Bean, Pamela
Ham, Bonnie
Nordgren, Sharon

Below, Clifton
LaMott, Paul
Scanlan, David

Crory, Elizabeth
Larson, Nils, Jr.
Teschner, Douglass

Guest, Robert
McIlwaine, Deborah

HILLSBOROUGH

Ahern, Richard
Clemons, Jane
Dykstra, Leona
Hall, Betty
Jean, Claudette
Lozeau, Donnalee
Morrisette, Roland
Record, Alice
Sullens, Joan

Allen, W. Gordon
Cote, David
Foster, Linda
Hanselman, Gregory
Jean, Loren
McCarty, Winston
Nardi, Theodora
Reidy, Frank
Toomey, Kathryn

Bagley, Amy
Daigle, Robert
Gagnon, Eugene
Healy, Daniel
L'Heureux, Robert
Moncrief, Keith
O'Rourke, Joanne
Searles, Stanley, Sr.
White, John

Bergeron, Lucien
Drabinowicz, A. Theresa
Haettenschwiller, Alphonse
Jasper, Shawn
Laughlin, J. Francis
Moore, Elizabeth
Plourde, Alphonse
Stewart, Thomas

MERRIMACK

Barberia, Richard
Coughlin, Anne
Gilbreth, Robert
Mitchell, Vernon
Rogers, Katherine

Braiterman, Thea
Dunn, Miriam
Hager, Elizabeth
Moore, Carol
Wallner, Mary Jane

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Newland, Matthew
Whittemore, James

Chandler, John
French, Barbara
Lockwood, Robert
Owen, Derek
Yeaton, Charles

ROCKINGHAM

Bove, Martin
DiPietro, Carmela
Kane, Cecelia
Schanda, Joseph, Sr.
St. Martin, Tommy
Woods, Deborah

Caswell, Albert, Jr.
Flanders, John, Sr.
Klemarczyk, Thaddeus
Senter, Marilyn
Syracusa, Anthony
Yennaco, Carol

Clark, Martha
Groves, Bonnie
Pratt, Katharin
Skinner, Patricia
Warburton, Calvin

Coes, Betsy
Johnson, Robert
Raynowska, Bernard
Splaine, James
Welch, David

STRAFFORD

Callaghan, Frank
Hilliard, Dana
McKinley, Robert
Pelletier, Marsha
Vincent, Francis

Gilmore, Gary
Keans, Sandra
Merritt, Deborah
Snyder, Clair
Wheeler, Katherine

Hambrick, Patricia
Loder, Suzanne
Nehring, William
Sullivan, Henry

Hemon, Roland
McGrath, J. Gregory
Pelletier, Arthur
Torr, Ann

SULLIVAN

Allison, David
Lindblade, Eric

Burling, Peter
Stamatakis, Carol

Cloutier, John

Domini, Irene

and the motion was adopted.
Substituted report adopted.

HB 1424-FN-A, relative to the exemption for hospitals under the meals and rooms tax.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Douglass P. Teschner for the Majority of Ways and Means: The majority believes this bill is premature. As Commissioner Bird testified, we have an "obligation of honor" to the hospitals to repeal this tax when the Medicaid Enhancement funds are no longer available. Passing this bill now could jeopardize these funds, and the committee believes we should err on the side of caution and leave well enough alone. Vote 12-6.

Reps. Donna Soucy, Clemons, Chagnon, Plourde, Ham and Weeks for the Minority of Ways and Means: This bill would institute the hospital exemption under the rooms and meals tax effective July 1, 1995. The minority of the committee views this legislation as a demonstration of our willingness to honor the agreement made with the hospitals of New Hampshire. This bill has the strong support of the NH Hospital Association.

Rep. Buckley moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Teschner spoke against and yielded to questions.

Rep. Soucy spoke in favor.

Rep. Douglas Hall spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 98 - NAYS 233**YEAS 98
BELKNAP**

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
Lynch, Margaret
Young, David

DePecol, Benjamin
Richardson, Barbara

Foster, Katherine
Riley, William

Kingsbury, H. Thayer
Russell, Ronald

COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

GRAFTON

Below, Clifton
McIlwaine, Deborah

Crory, Elizabeth
Nordgren, Sharon

Guest, Robert

Ham, Bonnie

HILLSBOROUGH

Ahern, Richard
Bergeron, Normand
Cote, David
Gosselin, Gerald
Jean, Claudette
Martin, Mary Ellen
Philbrook, Paula
Stewart, Thomas

Asselin, Robert
Borsa, Andrew
Daigle, Robert
Haettenschwiller, Alphonse
Johnson, Lionel
Morrisette, Roland
Plourde, Alphonse
Toomey, Kathryn

Bagley, Amy
Buckley, Raymond
Drabinowicz, A. Theresa
Hall, Betty
Laughlin, J. Francis
Nardi, Theodora
Reidy, Frank
White, John

Bergeron, Lucien
Clemons, Jane
Foster, Linda
Hanselman, Gregory
Lozeau, Donnalee
O'Rourke, Joanne
Soucy, Donna

MERRIMACK

Braiterman, Thea
French, Barbara
Rogers, Katherine
Yeaton, Charles

Coughlin, Anne
Moore, Carol
Trombly, Rick

Daneault, Gabriel
Newland, Matthew
Wallner, Mary Jane

Dunn, Miriam
Owen, Derek
Ward, Jay

ROCKINGHAM

Caswell, Albert, Jr.
McGovern, Cynthia
Syracusa, Anthony

Clark, Martha
Newman, Rick
Vaughn, Charles

Coes, Betsy
Splaine, James

Kane, Cecelia
St. Martin, Tommy

STRAFFORD

Brown, George
Hemon, Roland
McGrath, J. Gregory
Pelletier, Marsha
Vincent, Francis

Callaghan, Frank
Hilliard, Dana
Merrill, Amanda
Rogers, Rose Marie
Wall, Janet

Gilmore, Gary
Kincaid, William
Merritt, Deborah
Snyder, Clair
Wheeler, Katherine

Hambrick, Patricia
Loder, Suzanne
Pelletier, Arthur
Sullivan, Henry

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

NAYS 233**BELKNAP**

Cain, Thomas
Hawkins, Robert
Lawton, David
Smith, Linda

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph
Ziegra, Alice

Golden, Paul
Laflam, Robert
Salatiello, Thomas

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Delano, Robert
Metzger, Katherine

Burnham, Daniel
Hunt, John
Perry, David

Champagne, Richard
Manning, Joseph
Robertson, Timothy

Cole, Stacey
McNamara, Wanda
Smith, Edwin

COOS

Coulombe, Henry

Foss, Frederic

Horton, Lynn

Pratt, Leighton

GRAFTON

Bean, Pamela
Chase, Paul, Jr.
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Alson
Eaton, Stephanie
Rose, William
Ward, Kathleen

Brown, Channing
Gordon, Edward
Scanlan, David

Brown, Patricia
LaMott, Paul
Teschner, Douglass

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Chabot, Robert
Dodge, Emma
Dyer, Merton
Franks, Suzan
Healy, Daniel
Holt, Mark

Allen, W. Gordon
Bowers, Dorothy
Cowenhoven, Garret
Domaingue, Jacquelyn
Dykstra, Leona
Gagnon, Eugene
Holden, Carol
Hunter, Bruce

Andrews, Frederick
Burke, M. Virginia
Crotty, Edward
Drolet, Paul
Fenton, James
Gervais, Glen
Holley, Sylvia
Jasper, Shawn

Arnold, Barbara
Cepaitis, Elizabeth
Desrosiers, William
Durham, Susan
Ferguson, Charles
Hart, Nick
Holt, David
Jean, Loren

Kelley, Dana
L'Heureux, Robert
Lown, Elizabeth
Messier, Irene
Moore, Elizabeth
Packard, Bonnie
Record, Alice
Searles, Stanley, Sr.
Turgeon, Roland
Wells, Peter, Sr.

Kelley, Robert
Lachut, Ervin
McCarty, Winston
Milligan, Robert
Morello, Michael
Pepino, Leo
Riley, Frances
Smith, Leonard
Upton, Barbara
Wheeler, Robert

Kirby, Thomas
Lefebvre, Roland
McRae, Karen
Mittelman, David
Murphy, Robert
Perkins, Paul
Sallada, Roland
Sullens, Joan
Vanderlosk, Stanley
Wright, George

Kurk, Neal
Lessard, Rudy
Mercer, Robert
Moncrief, Keith
O'Hearn, Jane
Peters, Stanley
Sargent, Maxwell
Tate, Joan
Weergang, Alida

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Hall, Douglas
Kennedy, Richard
Mitchell, Vernon
Stapleton, Henry
Willis, Jack

Carter, Susan
Fillion, Paul
Holmes, Mary
Kidder, William
Nichols, Avis
Teague, Bert

Chandler, Earle
Gilbreth, Robert
Houlahan, Thomas
Langer, Ray
Plaff, Terence
Whalley, Michael

Chandler, John
Hager, Elizabeth
Johnson, C. William
Lockwood, Robert
Shaw, Randall
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Case, Margaret
Conroy, Janet
Drake, Herbert
Flanagan, Natalie
Gargiulo, Louis
Hurst, Sharleene
Katsakiores, George
Lee, Rebecca
Noyes, Richard
Putnam, Ed, II
Rosencrantz, James
Skinner, Patricia
Sytek, Donna
Weyler, Kenneth

Arndt, Janet
Bove, Martin
Chester, Sherman
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Gorman, Donald
Hutchinson, Karen
Katsakiores, Phyllis
Lovejoy, Marian
Packard, Sherman
Raynowska, Bernard
Rubin, George
Smith, Arthur
Sytek, John
Williamson, William

Battles, Marjorie
Bucu, Stephen
Christie, Andrew, Jr.
DiPietro, Carmela
Felch, Charles, Sr.
Flanders, John, Sr.
Groves, Bonnie
Johnson, Bill
Klemarczyk, Thaddeus
MacDonald, Maurice
Pratt, Katharin
Richards, David
Schanda, Joseph, Sr.
Stone, Joseph
Warburton, Calvin
Woods, Deborah

Beaulieu, Jon
Campbell, Marilyn
Clark, Vivian
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Hemenway, Thomas
Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pullman, Robert
Ritzo, Eugene
Senter, Marilyn
Stritch, C. Donald
Welch, David
Yennaco, Carol

STRAFFORD

Douglass, Clyde
McKinley, Robert
Torr, Franklin

Dunlap, Patricia
Nehring, William
Wasson, Richard

Keans, Sandra
Spear, Barbara

Knowles, William
Torr, Ann

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

and the motion failed.

Report adopted.

HB 1517, relative to taking or harvesting clams and relative to clam license fees. **INEXPEDIENT TO LEGISLATE**

Rep. Rose Marie Rogers for Wildlife and Marine Resources: The Committee reviewed this bill and unanimously reported it inexpedient to legislate at this time. Vote 11-0.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the

reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 17, 1994 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1212-FN, revising the special education mediation provisions to include neutral conferences.

HB 1447-FN, making communications of advanced registered nurse practitioners privileged and, extending certain duties to ARNPs.

HB 1191-FN, relative to victims and victims' compensation.

HB 1304, relative to licensure of humane societies without animal shelters.

HB 1336, relative to services which certain liquor licensees may perform with regard to beverage stocking and displays.

HB 1515-FN, relative to emissions reduction credits trading program.

UNANIMOUS CONSENT

Rep. Healy addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 4:00 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 9

Thursday, February 17, 1994

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend David P. Jones, Senate Chaplain.

Gracious and loving God, poke these Legislators with the stick of Your will. Make their minds quick, their tongues tight, their ears loose, their convictions straight, their spirits gentle and their decisions wise, for we need them to lead us. Amen.

Rep. Edwin Smith led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Rheault, O'Brien, Richard Hill, Pantelakos, Charles Cote, Patricia Cote, Bell, Joan Kane, Syracuse, Irene Pratt, and Trelfa, the day, illness.

Reps. Bucu, Dewhirst, Vaughn, Lundborn, Cecelia Kane, Patricia Brown, Plourde, Braiterman, Burnham, Pearson, Hashem, Paquette, Paul White, Searles, Caswell, Gerald Merrill, Flint, Bartlett, Mayhew, Blake, Hazelton, Whalley, Rubin, Upton, Pageotte, Marsha Pelletier, Dana Kelley, Dwyer, Lynch, Richards, Wells, Philbrook, Simon, David Holt and Rothhaus, the day, important business.

INTRODUCTION OF GUESTS

Jared Delano, grandson of Rep. Delano. Former Representative Yvonne Coulombe, wife of Rep. Coulombe. Mike Sharples, guest of Rep. Schanda.

EMPLOYEE OF THE MONTH

Lily Carson was named February's Employee of the Month. She is Calendar Clerk in the House Clerk's Office where she has worked nine years. She was born and raised in Scotland and is now a resident of Pittsfield. She has a degree in education from Jordanhill College in Glasgow and taught school in Scotland.

We salute her today for her tireless work in scheduling meetings and rooms in the State House complex, and especially for re-scheduling events after snow storms.

Lily, thank you for your hard work and dedication.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 559, 562, 583, 589, 591, 605, 608, 636, 660, 677, 708, 784, 786 and 800, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 559, relative to international adoptions. (Children, Youth and Juvenile Justice)

SB 562, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. (Public Protection and Veterans Affairs)

SB 583, establishing a committee to study the feasibility of issuing special license plates to nonprofit conservation organizations and using the proceeds from the fees to benefit nonprofit conservation organizations. (Transportation)

SB 589, relative to the powers of fiduciaries in environmental matters. (Judiciary)

SB 591, relative to the aerial application of pesticides. (Environment & Agriculture)

SB 605, relative to driving a motor vehicle after license revocation or suspension in another state. (Corrections & Criminal Justice)

SB 608, increasing the penalty for certain DWI offenses to include lifetime license revocation. (Corrections & Criminal Justice)

SB 636, relative to the public use of coastal beaches for recreational purposes. (Resources, Recreation and Development)

SB 660, relative to settlements on behalf of minors. (Judiciary)

SB 677-FN, relative to paternity. (Children, Youth and Juvenile Justice)

SB 708-FN, permitting the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee. (Wildlife & Marine Resources)

SB 784, establishing a committee to study alternatives to the secure commitment of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B. (Children, Youth and Juvenile Justice)

SB 786-FN-L, allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire. (Environment & Agriculture)

SB 800, relative to the child protection act. (Children, Youth & Juvenile Justice)

GUESTS ON THE ROSTRUM

France Dionne, member of the Quebec National Assembly and the Parliamentary Assistant to the Minister of Finance. Ghislain Maltais, member of the Quebec National Assembly and the Parliamentary Assistant to the Minister of Environment and Wildlife. Real Gilbert, President of the Euclide Gilbert French Language Foundation, guests of the House.

SPECIAL ORDERS

HB 1552-FN, relative to the certification of employer contributions by the retirement system board of trustees. REFER FOR INTERIM STUDY

Rep. J. Gregory McGrath for Executive Departments and Administration: This bill proposes a method for paying for the unfunded accrued liabilities in the retirement system fund. This is a very complex issue which needs more study to find a solution that is fair to all parties concerned. Vote 12-1.

Rep. Kathleen Ward moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Refer for Interim Study and spoke in favor.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (5239B)

Amend the bill by replacing all after the enacting clause with the following:

1 State Annuity Accumulation Fund; Contributions of Employer. Amend RSA 100-A:16, II(b), (c) and (d) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution", and an additional amount to be known as the "accrued liability contribution"; provided that any employer, other than the state, shall pay 65 percent of such total contributions and 35 percent thereof shall be paid by the state; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i). *With respect to the balance of the unfunded accrued liability attributable to the state for group II members, as of June 30, 1994, such balance shall be funded prospectively as an additional normal contribution percentage as determined by the actuary. Such additional normal contribution percentage shall be assessed against the state payroll for the respective group II members until such time as the unfunded accrued liability is fully funded.*

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution", and an additional amount to be known as the "accrued liability contribution"; provided that, in the case of teachers, any employer, other than the state, shall pay 65 percent of such total contributions and 35 percent thereof shall be paid by the state; and provided further that in case of teacher members employed by the state the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown

by actuarial valuation, except as provided in subparagraphs (h) and (i). *With respect to the balance of the unfunded accrued liability attributable to the state for group I members, as of June 30, 1994, such balance shall be funded prospectively as an additional normal contribution percentage as determined by the actuary. Such additional normal contribution percentage shall be assessed against the state payroll for the respective group I members until such time as the unfunded accrued liability is fully funded.*

(d) [Commencing with the date of establishment and until the amount of the unfunded accrued liability has been established, the board of trustees shall determine the percentage normal contribution rate on account of each member classification as the uniform and constant percentage of the earnable compensation of the average new entrant member which, if contributed on the basis of the member's earnable compensation throughout the entire period of active service, would be sufficient to provide for the payment of any state annuity payable on the member's account from contributions by the employer. Commencing with the valuation as of June 30, 1969, the percentage normal contribution rate shall be determined after each actuarial valuation as the rate percent of the earnable compensation of all members obtained by deducting from the total liabilities of the state annuity accumulation fund on account of each member classification the amount of the unfunded accrued liability and the total amount of the funds in hand to the credit of the respective member classification in that fund, subject to subparagraph (h), and dividing the remainder by one percent of the present value of future compensation of all members within the appropriate member classification]. Commencing with the valuation as of June 30, 1983, the actuary in determining the percentage normal contribution rate may include a projection of the membership, earnable compensation and assets of the retirement system from the valuation date to the beginning of the year to which such percentage normal contribution rate is applicable; or the actuary may base such determination on the anticipated level of contribution[, over and above any accrued liability contribution,] as is necessary to maintain such reasonable actuarial funded ratio as may be directed by the board of trustees, and for purposes of this determination the actuarial funded ratio shall be the ratio of the fair market value of the retirement system's assets to the present value of accumulated benefits under the retirement system for all members, but without regard to any future compensation increase.

2 Total Amount Payable to State Annuity Accumulation Fund; Accrued Liability Contribution. Amend RSA 100-A:16, II(f) to read as follows:

(f) The total amount payable to the state annuity accumulation fund in each year on account of each member classification shall not be less than normal contribution rate multiplied by the total compensation earnable by all members in such classification for such year, plus the amount of the accrued liability contribution necessary to liquidate the unfunded accrued liability on behalf of such classification as determined by the actuary under subparagraph (e) above *including such additional normal contribution percentages as determined by the actuary to be paid by the state under subparagraphs (b) and (c) above.*

3 Certification of Unfunded Accrued Liability. Amend RSA 100-A:16, III(a) to read as follows:

(a) On or before the first day of October next preceding each regular session of the state legislature, the board of trustees shall certify to the commissioner of administrative services the amounts which will become due and payable by the state during the biennium next following to the retirement system and it shall be the duty of the commissioner of administrative services in preparing the executive budget for each ensuing biennium to include in the budget the amounts so certified which amounts shall be appropriated by the legislature. *The amounts so certified under this subparagraph shall include the unfunded accrued liability of the retirement system.*

4 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

Each October, the retirement system board of trustees certifies to the commissioner of administrative services the amounts which are payable by the state to the retirement system as its employer contribution. This bill requires the board of trustees to include the retirement system's unfunded accrued liability in the amount certified.

Beginning on June 30, 1994, the bill also requires the balance of the unfunded accrued liability for group I and group II retirement system members to be funded prospectively as an additional normal contribution percentage as determined by the actuary, and assessed against the state payroll for group I and group II members until such time as the unfunded accrued liability is fully funded.

Adopted.

Report adopted and referred to Appropriations.

HB 1448-FN, requiring that certain documents and publications be included in the state depository law. **INEXPEDIENT TO LEGISLATE**

Rep. John J. Sytek for Executive Departments and Administration: The committee recommendation of Interim Study is a temporizing measure. The committee expects to have an amendment ready in time for an upcoming House session. Therefore, this report is written as though our recommendation is Ought to Pass with Amendment. Today, if you were to look up some law or administrative rule in the state library, you might find that the text of that law or rule refers to some other document. If you then were to go looking for the document that had been referred to, you might be unpleasantly surprised to find that that document is not in the library - even though that document has been "incorporated by reference" into the law or rule and has the force of law. Don't you hate when that happens? This bill requires that any such referred to document actually be in the library or be reasonably accessible to the public. The bill also tries to keep up with the times by requiring certain agency data bases to be deposited with the state library, and expanding the definition of state publications. Vote 15-1.

Rep. Kathleen Ward moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (5232B)

Amend the bill by replacing all after the enacting clause the following:

1 New Paragraph; Deposit With State Library of Publications Adopted by Reference. Amend RSA 201-A:18 by inserting after paragraph II the following new paragraph:

III.(a) The head of every state agency, as defined in RSA 541-A:1, II, every legislative commission, and any commission operating under executive order shall deliver to the state library one copy of any publication which is adopted by reference or cited in the statutes for which the agency or commission is responsible or which is incorporated by reference in administrative rules adopted by the entity. The copy of any publication to be delivered to the state library under the provisions of this paragraph shall be delivered on or before the effective date of the statute or administrative rule in which it is adopted by reference, cited, or incorporated by reference.

(b) A state agency, legislative commission, or commission operating under executive order shall not be required to deliver to the state library one copy of any publication as provided in subparagraph (a) if:

(1) The state librarian certifies to the agency or commission that the publication is already on deposit at the state library; or

(2) The state librarian certifies that the publication does not warrant deposit in the state library when the anticipated demand and cost of the publication are considered; provided, however, that in order for this exception to apply, the agency or commission which is responsible for providing the publication shall certify to the state librarian that any such publication is reasonably accessible to the public at the agency or the commission.

2 New Paragraph; Access to State Agency Databases. Amend RSA 202-B:2 by inserting after paragraph II the following new paragraph:

III. A state agency, on the request of the state librarian, shall provide access by state depository libraries to any data base maintained by the agency which contains information available to the public as defined by RSA 91-A. Access shall be provided either directly by the agency via the state library's telecommunications network or by providing the state library with a current copy of the data base in machine readable format. If provided the data base, the state library shall be responsible for providing access by the state depository libraries.

3 Definition of State Publication and Data Base. RSA 202-B:3 is repealed and reenacted to read as follows:

202-B:3 Definitions. In this chapter:

I. "State publication" or "publication" includes any book, audiotape, brochure, bulletin, code, compilation, directory, document, hearing, informational handout, leaflet, list, map, magazine, memorandum, newsletter, order, pamphlet, periodical, register, regulation, report, serial, special report, statistical report, or videotape regardless of whether the publication is in paper, film, microform, tape, disk, compact disk or other electronic format issued by, in the name of or at the request of state constitutional officers, or any department, division, commission, or other agency of the state, or produced and issued as part of a contract with any private person or business organization other than the state which is entered into by any agency of the state. "Publication" also includes the house and senate daily journals and calendars, joint and concurrent resolutions and bills.

II. "Data base" means a collection of information in machine readable form which is retrievable by a computer and which is maintained by or for a state agency. "Data base" also includes the general court information system.

4 New Subparagraph; Administrative Rulemaking; Filing Matter Incorporated by Reference. Amend RSA 541-A:2, II by inserting after subparagraph (c) the following new subparagraph:

(d) deposit one copy of any publication incorporated by reference with the state library, in accordance with the provisions of RSA 201-A:18, III and RSA 541-A:3-f.

5 New Paragraph; Administrative Rulemaking; Filing Adopted Rule. Amend RSA 541-A:3-f by inserting after paragraph III the following new paragraph:

IV. When the agency files an adopted rule it shall also certify in a letter to the director of legislative services that one copy of the text of the publication incorporated by reference has been deposited with the state library, in accordance with the provisions of RSA 201-A:18, III.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the state depository laws by:

(1) Requiring every state agency or commission to deliver to the state library one copy of every publication which is adopted by reference or cited in the statutes or incorporated by reference in administrative rules for which the agency or commission is responsible. The bill also provides specific exceptions to this requirement.

(2) Adds a definition of data base, and requires state agencies, upon the request of the state librarian, to provide access by state depository libraries to data bases maintained by the agency.

(3) Redefines "state publication" to include publications which are available other than in a printed format.

Rep. John Sytek spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 1548, relative to medical and surgical benefits for state employees. REFER FOR INTERIM STUDY

Rep. Merton S. Dyer for Executive Departments and Administration: This bill contains some very important references to employees medical and surgical benefits which require the attention of the Legislature. The committee feels that the questions raised by this bill can be addressed in a timely manner if the bill is returned to the committee with an affirmative vote of interim study. Vote 14-0.

Rep. Kathleen Ward moved that the words Ought to Pass with Amendment for the report of the Committee, Refer for Interim Study.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (5228B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Employees Eligible for Medical and Surgical Benefits. Amend RSA 21-I:30 by inserting after paragraph V the following new paragraphs:

VI. The provisions of this paragraph shall apply notwithstanding any other provision of this section to the contrary. Each state employee who has at least 10 years of creditable service for the state on June 30, 1989, but who is not 60 years of age at the time of retirement, shall be eligible to receive medical and surgical benefits under this section at the employee's own expense. When the state employee reaches age 60, the state employee shall be defined as a "retired employee" for the purpose of being eligible to receive medical and surgical benefits under this section.

VII. The provisions of this paragraph shall apply beginning on July 1, 1994. Notwithstanding any other provision of this section to the contrary, no state employee shall be defined as a "retired employee" for the purpose of being eligible to receive medical and surgical benefits under this section if the person is gainfully employed after his retirement by a private employer who provides medical and surgical benefits for which the person is eligible. This prohibition shall apply as long as the person is employed by such an employer who continues to provide medical and surgical benefits.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill allows a state employee who has 10 years of creditable service on June 30, 1989, but who retires before reaching age 60, to be eligible to receive state medical and surgical benefits at the employee's own expense. Once the state employee reaches age 60, the person is defined as a "retired employee", and the state pays the premium for such benefits.

Beginning on July 1, 1994, the bill also prohibits a retired state employee from receiving state medical and surgical benefits as long as the person is gainfully employed after retirement by a private employer who provides medical and surgical benefits.

Rep. Kathleen Ward spoke in favor and yielded to questions.

Adopted.

Rep. Hawkins offered a floor amendment.

Floor Amendment (5242B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to medical and surgical benefits for state employees and
establishing a committee to study eligibility requirements
for receiving state medical and surgical benefits.

Amend the bill by replacing all after the enacting clause with the following:

1 Employees Eligible for Medical and Surgical Benefits. Amend RSA 21-I:30, II(c) to read as follows:

(c) Is [but for the provisions of 1989, 376:10,] otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, [1994] 1996; or

2 Committee Established to Study Eligibility for Receiving State Medical and Surgical Benefits. A committee is established to study the eligibility requirements which state employees must meet in order to be eligible to receive state medical and surgical benefits.

3 Membership and Compensation.

I. The members of the committee established in section 2 of this act shall be as follows:

- (a) Two members of the house of representatives, appointed by the speaker of the house.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) One member appointed by the governor.
- (d) One member appointed by the State Employees Association, Inc.

II. Members of the committee shall not be compensated; however, legislative members shall receive mileage at the legislative rate.

4 Duties.

1. The committee established in section 2 of this act shall have the authority to study all aspects of the eligibility requirements which state employees must meet in order to be eligible to receive state medical and surgical benefits. The study shall include, but shall not be limited to:

(a) Extending the date by which certain state employees must retire.

(b) Extending eligibility for state medical and surgical benefits to certain state employees who were not required to join the retirement system.

II. The committee shall have full power and authority to require from the several state departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it may deem necessary.

5 Chair; Quorum. The members of the study committee established in section 2 of this act shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this act. Four members of the committee shall constitute a quorum.

6 Report. The committee established in section 2 of this act shall report the results of its study, including its findings and recommendations and any proposed legislation to the governor, the senate president, and the speaker of the house of representatives no later than November 1, 1994, for submission in the 1995 legislative session.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the date by which certain state employees must retire in order to be eligible to receive medical and surgical benefits from June 30, 1994, to June 30, 1996.

The bill also establishes a committee to study the eligibility requirements which state employees must meet in order to be eligible to receive state medical and surgical benefits. The committee must file its report, together with any proposed legislation, no later than November 1, 1994.

Reps. Hawkins, Dickinson and Trombly spoke in favor and yielded to questions.

Rep. Dyer spoke against.

Rep. Kathleen Ward spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the floor amendment.

YEAS 168 - NAYS 151

YEAS 168

BELKNAP

Hawkins, Robert	Smith, Linda	Turner, Robert
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CARROLL

Allard, Nanci	Cogswell, Richard	Dickinson, Howard, Jr.	Lyman, L. Randy
Mock, Henry	Philbrick, Donald	Wiggin, Gordon	

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin
Foster, Katherine	Hunt, John	Kingsbury, H. Thayer	McGuirk, Paul
McNamara, Wanda	Perry, David	Richardson, Barbara	Riley, William
Robertson, Timothy	Young, David		

COOS

Bradley, Paula	Coulombe, Henry	Guay, Lawrence	Harwell, Tyler
Hawkinson, Marie	Horton, Lynn	Mears, Edgar	Pratt, Leighton

GRAFTON

Below, Clifton	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
LaMott, Paul	Larson, Nils, Jr.	McIlwaine, Deborah	Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Arnold, Thomas, Jr.
Asselin, Robert	Bagley, Amy	Bergeron, Lucien	Bergeron, Normand
Borsa, Andrew	Buckley, Raymond	Chabot, Robert	Clemons, Jane

Cote, David
 Domainque, Jacquelyn
 Fields, Dennis
 Gosselin, Gerald
 Hanselman, Gregory
 Jean, Claudette
 Lachut, Ervin
 Lown, Elizabeth
 Murphy, Robert
 Reidy, Frank
 Stewart, Thomas

Crotty, Edward
 Drabinowicz, A. Theresa
 Foster, Linda
 Greenberg, Gary
 Hart, Nick
 Johnson, Lionel
 Laughlin, J. Francis
 Martin, Mary Ellen
 Nardi, Theodora
 Sallada, Roland
 Toomey, Kathryn

Daniels, Gary
 Drolet, Paul
 Gage, Ruth
 Haettenschwiller, Alphonse
 Holley, Sylvia
 Kirby, Thomas
 Lefebvre, Roland
 Morello, Michael
 Pepino, Leo
 Smith, Leonard
 Turgeon, Roland

Desrosiers, William
 Fenton, James
 Gervais, Glen
 Hall, Betty
 Hunter, Bruce
 L'Heureux, Robert
 Lessard, Rudy
 Morrisette, Roland
 Perkins, Paul
 Soucy, Donna
 White, John

MERRIMACK

Coughlin, Anne
 French, Barbara
 Newland, Matthew
 Teague, Bert
 Yeaton, Charles

Daneault, Gabriel
 Houlahan, Thomas
 Owen, Derek
 Trombly, Rick

Dunn, Miriam
 Mitchell, Vernon
 Regan, Maurice
 Wallner, Mary Jane

Fillion, Paul
 Moore, Carol
 Rogers, Katherine
 Ward, Jay

ROCKINGHAM

Arndt, Janet
 Clark, Martha
 Drake, Herbert
 Hurst, Sharleene
 Packard, Sherman
 Senter, Merilyn
 Warburton, Calvin

Bove, Martin
 Coes, Betsy
 Fesh, Robert
 Hutchinson, Karen
 Raynowska, Bernard
 Splaine, James

Case, Margaret
 Crossman, Harold, Jr.
 Flanders, John, Sr.
 Klemarczyk, Thaddeus
 Rosencrantz, James
 St. Martin, Tommy

Chester, Sherman
 Crum, William, Jr.
 Gorman, Donald
 McGovern, Cynthia
 Schanda, Joseph, Sr.
 Stone, Joseph

STRAFFORD

Brown, George
 Douglass, Clyde
 Hilliard, Dana
 Merrill, Amanda
 Snyder, Clair

Brown, Julie
 Gilmore, Gary
 Kincaid, William
 Merritt, Deborah
 Sullivan, Henry

Callaghan, Frank
 Hambrick, Patricia
 Loder, Suzanne
 Pelletier, Arthur
 Wall, Janet

Chagnon, Ronald
 Hemon, Roland
 McCann, William, Jr.
 Rogers, Rose Marie
 Wheeler, Katherine

SULLIVAN

Allison, David
 Holl, Ann
 Schotanus, Merle

Behrens, Thomas
 Lindblade, Eric
 Stamatakis, Carol

Burling, Peter
 Palmer, Lorraine

Cloutier, John
 Peyron, Fredrik

NAYS 151

BELKNAP

Cain, Thomas
 Johnson, Carl
 Rosen, Ralph

Campbell, Richard, Jr.
 Laflam, Robert
 Ziegler, Alice

Golden, Paul
 Lawton, David

Holbrook, Robert
 Rice, Thomas, Jr.

CARROLL

Beach, Mildred
 Saunders, Howard

Bradley, Jeb

Chandler, Gene

Foster, Robert

CHESHIRE

Cole, Stacey
 Smith, Edwin

Delano, Robert

Metzger, Katherine

Royce, H. Charles

COOS

Foss, Frederic

GRAFTON

Adams, Carl
 Driscoll, William
 Scanlan, David

Bean, Pamela
 Eaton, Stephanie
 Teschner, Douglass

Brown, Alson
 Gordon, Edward
 Wadsworth, Karen

Brown, Channing
 Rose, William
 Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
 Burke, M. Virginia
 Dodge, Emma
 Ferguson, Charles
 Holden, Carol
 Kelley, Robert
 McRae, Karen
 Mittelman, David
 Packard, Bonnie
 Rodgers, G. Philip
 Vanderloek, Stanley

Andrews, Frederick
 Calawa, Leon, Jr.
 Durham, Susan
 Franks, Suzan
 Holt, Mark
 Kurk, Neal
 Mercer, Robert
 Moncrief, Keith
 Peters, Stanley
 Sargent, Maxwell
 Weergang, Alida

Arnold, Barbara
 Cepaitis, Elizabeth
 Dyer, Merton
 Gagnon, Eugene
 Jasper, Shawn
 Lozeau, Donnalee
 Messier, Irene
 Moore, Elizabeth
 Record, Alice
 Sullens, Joan
 Wheeler, Robert

Bowers, Dorothy
 Cowenhoven, Garret
 Dykstra, Leona
 Healy, Daniel
 Jean, Loren
 McCarty, Winston
 Milligan, Robert
 O'Hearn, Jane
 Riley, Frances
 Tate, Joan
 Wright, George

MERRIMACK

Barberia, Richard
 Chandler, John
 Hall, Douglas
 Kidder, William
 Pfaff, Terence
 Willis, Jack

Buessing, Marjorie
 Feuerstein, Martin
 Holmes, Mary
 Langer, Ray
 Shaw, Randall

Carter, Susan
 Gilbreth, Robert
 Johnson, C. William
 Lockwood, Robert
 Stapleton, Henry

Chandler, Earle
 Hager, Elizabeth
 Kennedy, Richard
 Nichols, Avis
 Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
 Campbell, Marilyn
 Dowd, Sandra
 Flanders, David
 Johnson, Robert
 Lee, Rebecca
 McKinney, Betsy
 Pratt, Katharin
 Smith, Arthur
 Welch, David
 Yennaco, Carol

Battles, Marjorie
 Clark, Vivian
 Dube, LeRoy
 Gage, Beverly
 Katsakiores, George
 Lovejoy, Marian
 Miller, Don
 Putnam, Ed, II
 Stritch, C. Donald
 Weyler, Kenneth

Beaulieu, Jon
 Conroy, Janet
 Felch, Charles, Sr.
 Gargiulo, Louis
 Katsakiores, Phyllis
 MacDonald, Maurice
 Moore, Benjamin
 Ritzo, Eugene
 Sytek, Donna
 Williamson, William

Boucher, William
 DiPietro, Carmela
 Flanagan, Natalie
 Groves, Bonnie
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Noyes, Richard
 Skinner, Patricia
 Sytek, John
 Woods, Deborah

STRAFFORD

Dunlap, Patricia
 McKinley, Robert
 Torr, Franklin

Keans, Sandra
 Nehring, William
 Vincent, Francis

Knowles, William
 Spear, Barbara
 Wasson, Richard

McGrath, J. Gregory
 Torr, Ann

SULLIVAN

Rodeschin, Beverly

and the amendment was adopted.

Report adopted and referred to Appropriations.

Rep. George Musler declared a conflict of interest and did not participate.

Rep. Christie wished to be recorded in favor of the floor amendment.

HB 1374, requiring the department of transportation to study United States Route 4 between New Hampshire route 108 and Scammel Bridge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for the Majority of Public Works: There is consensus that improvements are sorely needed from Durham to the west end of the Scammel bridge, which will be replaced in Fiscal Year 1995. Under the Intermodal Surface Transportation Efficiency Act (ISTEA)-mandated Transportation Improvement Program (TIP) process the Seacoast Metropolitan Planning Organization (MPO) placed this project in the 2001 or later time frame when fiscal constraints were imposed. ISTEA final rules issued on October 22, 1993, require that the Statewide Transportation Improvement Program (STIP) preserve the MPO priorities, and this requirement was satisfied for the first three years, which is the time period required by

ISTEA. There was not sufficient time to reconcile priorities in the years beyond 1997. Two other opportunities are available to supporters of this project; (1) During legislative hearings on the STIP (to be submitted by the governor on February 15, 1994), this study could be substituted for another project in that MPO region, and (2) the next update of the MPO TIP will commence in July 1994, at which time projects starting in FY 1997 will be considered at the regional level again. Vote 13-4.

Rep. Katherine D. Rogers for the Minority of the Committee of Public Works: Between January 1988 and December 1992, U.S. Route 4 between Route 108 and Scammel Bridge has seen 234 accidents, 13 of which were fatal and 92 of which resulted in injuries. House Bill 1374 would provide for a safety study of this six-mile stretch of highway to identify possible methods of mitigating accidents. A proposed amendment would have made a \$1 appropriation to the Department of Transportation to signal the Legislature's concern for the safety of this highway should additional funds become available.

Rep. Wall spoke against and yielded to questions.

Rep. John Chandler spoke in favor and yielded to questions.

On a division vote, 204 members having voted in the affirmative and 111 in the negative, the report was adopted.

HB 1571-A, appropriating funds for renovations to the Brown building. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Leon Calawa, Jr. for the Majority of Public Works: The committee voted 13-6 to recommend the rehabilitation of the Brown Building. This was in the 1993 Capital Budget, but was taken out in HB 27. The engineering for the building was left in and will be completed along with the Hospital Study Committee report in late summer. The bill allows the state to stop letting good buildings stay vacant and will let the state make use of one of these unused buildings. It will also save the state \$90,000 to \$100,000 yearly for the lease of this much-needed space. Vote 13-6.

Rep. Katherine D. Rogers for the Minority of Public Works: On July 7, 1993, Governor Merrill vetoed House Bill 25, the Capital Budget. According to the Governor, in a July 9, 1993 letter to House members, he did so "for only one reason, because in my view it spends more money than we can afford." Governor Merrill further stated "I look forward to working with legislative leadership to address my concerns and to draft a revised Capital Budget that I will sign. I believe New Hampshire taxpayers will greatly benefit from such a process." The result was that House Bill 27-A passed the House in September 1993 and reduced the Capital Budget appropriations for design and renovations of the Brown Building. The Minority believes that HB 1571-A circumvents the process established by this House. Why can we afford this expenditure today when it was too expensive in September?

Rep. Katherine Rogers moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass and spoke in favor.

Reps. Gene Chandler and Calawa spoke against and yielded to questions.

Rep. Borsa spoke in favor.

Rep. Donna Sytek spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 107 - NAYS 212

YEAS 107

BELKNAP

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer

Champagne, Richard
McGuirk, Paul

DePecol, Benjamin
Richardson, Barbara

Foster, Katherine

COOS

Bradley, Paula	Coulombe, Henry	Harwell, Tyler	Hawkinson, Marie
Mears, Edgar			

GRAFTON

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	Guest, Robert
Ham, Bonnie	Larson, Nils, Jr.	McIlwaine, Deborah	Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Asselin, Robert
Bagley, Amy	Bergeron, Lucien	Bergeron, Normand	Borsa, Andrew
Buckley, Raymond	Clemons, Jane	Cote, David	Crotty, Edward
Drabinowicz, A. Theresa	Ferguson, Charles	Foster, Linda	Gage, Ruth
Gervais, Glen	Gosselin, Gerald	Greenberg, Gary	Haettenschwiller, Alphonse
Hall, Betty	Hanselman, Gregory	Holley, Sylvia	Jean, Claudette
Johnson, Lionel	Kirby, Thomas	Kurk, Neal	Lachut, Ervin
Laughlin, J. Francis	Lessard, Rudy	Martin, Mary Ellen	Morello, Michael
Morrisette, Roland	Murphy, Robert	Nardi, Theodora	Reidy, Frank
Soucy, Donna	Stewart, Thomas	Toomey, Kathryn	Turgeon, Roland
White, John			

MERRIMACK

Coughlin, Anne	Daneault, Gabriel	French, Barbara	Houlahan, Thomas
Moore, Carol	Newland, Matthew	Regan, Maurice	Rogers, Katherine
Trombly, Rick	Ward, Jay		

ROCKINGHAM

Clark, Martha	Clark, Vivian	Coes, Betsy	Flanders, David
Gorman, Donald	Groves, Bonnie	Hutchinson, Karen	McGovern, Cynthia
Rosencrantz, James	Schanda, Joseph, Sr.	Splaine, James	St. Martin, Tommy
Warburton, Calvin	Williamson, William		

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Gilmore, Gary
Hambrick, Patricia	Hemon, Roland	Hilliard, Dana	Knowles, William
McCann, William, Jr.	McGrath, J. Gregory	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair	Vincent, Francis
Wall, Janet	Wheeler, Katherine		

SULLIVAN

Burling, Peter	Cloutier, John	Holl, Ann	Palmer, Lorraine
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NAYS 212**BELKNAP**

Cain, Thomas	Campbell, Richard, Jr.	Golden, Paul	Hawkins, Robert
Holbrook, Robert	Johnson, Carl	Laflam, Robert	Lawton, David
Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas	Smith, Linda
Turner, Robert	Ziegler, Alice		

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy
Mock, Henry	Philbrick, Donald	Saunders, Howard	Wiggin, Gordon

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
Manning, Joseph	McNamara, Wanda	Metzger, Katherine	Perry, David
Riley, William	Robertson, Timothy	Royce, H. Charles	Smith, Edwin
Young, David			

COOS

Foss, Frederic

Horton, Lynn

Pratt, Leighton

GRAFTON

Adams, Carl
 Driscoll, William
 Scanlan, David

Bean, Pamela
 Eaton, Stephanie
 Teschner, Douglass

Brown, Alson
 Gordon, Edward
 Wadsworth, Karen

Brown, Channing
 Rose, William
 Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
 Bowers, Dorothy
 Chabot, Robert
 Dodge, Emma
 Dyer, Merton
 Franks, Suzan
 Holden, Carol
 Jean, Loren
 Lown, Elizabeth
 Mercer, Robert
 Moncrief, Keith
 Pepino, Leo
 Riley, Frances
 Smith, Leonard
 Weergang, Alida

Andrews, Frederick
 Burke, M. Virginia
 Cowenhoven, Garret
 Domaingue, Jacquelyn
 Dykstra, Leona
 Gagnon, Eugene
 Holt, Mark
 Kelley, Robert
 Lozeau, Donnalee
 Messier, Irene
 Moore, Elizabeth
 Perkins, Paul
 Rodgers, G. Philip
 Sullens, Joan
 Wheeler, Robert

Arnold, Barbara
 Calawa, Leon, Jr.
 Daniels, Gary
 Drolet, Paul
 Fenton, James
 Hart, Nick
 Hunter, Bruce
 L'Heureux, Robert
 McCarty, Winston
 Milligan, Robert
 O'Hearn, Jane
 Peters, Stanley
 Sallada, Roland
 Tate, Joan
 Wright, George

Arnold, Thomas, Jr.
 Cepaitis, Elizabeth
 Desrosiers, William
 Durham, Susan
 Fields, Dennis
 Healy, Daniel
 Jasper, Shawn
 Lefebvre, Roland
 McRae, Karen
 Mittelman, David
 Packard, Bonnie
 Record, Alice
 Sargent, Maxwell
 Vanderlosk, Stanley

MERRIMACK

Barberia, Richard
 Dunn, Miriam
 Hager, Elizabeth
 Kennedy, Richard
 Mitchell, Vernon
 Shaw, Randall
 Weeks, John, Jr.

Buessing, Marjorie
 Feuerstein, Martin
 Hall, Douglas
 Kidder, William
 Nichols, Avis
 Stapleton, Henry
 Whittemore, James

Chandler, Earle
 Fillion, Paul
 Holmes, Mary
 Langer, Ray
 Owen, Derek
 Teague, Bert
 Willis, Jack

Chandler, John
 Gilbreth, Robert
 Johnson, C. William
 Lockwood, Robert
 Pfaff, Terence
 Wallner, Mary Jane
 Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
 Boucher, William
 Chester, Sherman
 Crum, William, Jr.
 Felch, Charles, Sr.
 Gage, Beverly
 Katsakiores, George
 Lee, Rebecca
 McKinney, Betsy
 Packard, Sherman
 Ritzo, Eugene
 Stone, Joseph
 Welch, David

Arndt, Janet
 Bove, Martin
 Christie, Andrew, Jr.
 DiPietro, Carmela
 Fesh, Robert
 Gargiulo, Louis
 Katsakiores, Phyllis
 Lovejoy, Marian
 Miller, Don
 Pratt, Katharin
 Senter, Merilyn
 Stritch, C. Donald
 Weyler, Kenneth

Battles, Marjorie
 Campbell, Marilyn
 Conroy, Janet
 Dowd, Sandra
 Flanagan, Natalie
 Hurst, Sharleene
 Klemarczyk, Thaddeus
 MacDonald, Maurice
 Moore, Benjamin
 Pullman, Robert
 Skinner, Patricia
 Sytek, Donna
 Woods, Deborah

Beaulieu, Jon
 Case, Margaret
 Crossman, Harold, Jr.
 Dube, LeRoy
 Flanders, John, Sr.
 Johnson, Robert
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Noyes, Richard
 Putnam, Ed, II
 Smith, Arthur
 Sytek, John
 Yennaco, Carol

STRAFFORD

Brown, Julie
 Kincaid, William
 Spear, Barbara
 Wasson, Richard

Douglass, Clyde
 Loder, Suzanne
 Sullivan, Henry

Dunlap, Patricia
 McKinley, Robert
 Torr, Ann

Keans, Sandra
 Nehring, William
 Torr, Franklin

SULLIVAN

Allison, David
 Rodeschin, Beverly

Behrens, Thomas
 Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

and the motion failed.

Report adopted and referred to Appropriations.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration at the present time without the proper notice of **HB 1135**, granting marital masters limited powers to impose penalties for contempt and introduction and consideration of **HR 55**, requesting an opinion of the Supreme Court justices concerning the constitutionality of **HB 1135**.

Adopted by the necessary two-thirds.

HB 1135, granting marital masters limited powers to impose penalties for contempt.
DOUGHT TO PASS WITH AMENDMENT.

Rep. Edward M. Gordon for Judiciary.

The Committee offered a floor amendment.

Floor Amendment (4692B)

Amend the title of the bill by replacing it with the following:

AN ACT

granting marital masters limited powers to
impose penalties for civil contempt.

Amend RSA 491:23-a as inserted by section 1 of the bill by replacing it with the following:

491:23-a Marital Master; Enforcement of Orders.

I. Marital masters shall have the power to enforce orders and decrees in marital matters that have been approved by the superior court by adjudicating a person in civil contempt for:

- (a) Failure to appear in response to a notice or summons.
- (b) Failure to comply with court orders.
- (c) Refusal to answer questions or to produce evidence.

II. The marital master may order the person incarcerated for such contempt, pending review by a justice of the superior court, no later than 72 hours from the commencement of said incarceration.

AMENDED ANALYSIS

This bill grants marital masters limited powers to impose penalties for civil contempt, including incarceration, to enforce orders and decrees which have been approved by the superior court.

Rep. Lown spoke in favor.

Adopted.

LAIID ON THE TABLE

Rep. Lockwood moved that **HB 1135**, granting marital masters limited powers to impose penalties for civil contempt be laid upon the table.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION

HR 55, requesting an opinion of the justices concerning the constitutionality of **HB 1135**.
(Gordon, Graf 8; Lown, Hills 14; Lockwood, Merr 9: Judiciary)

HOUSE RESOLUTION NO. 55

requesting an opinion of the justices concerning
the constitutionality of **HB 1135**.

Whereas, there is pending in the house, **HB 1135**, "An Act granting marital masters limited powers to impose penalties for contempt;" and

Whereas, an amendment has been proposed to **HB 1135**; and

Whereas, RSA 491:23-a as proposed by **HB 1135** as amended would grant marital masters the power to enforce orders and decrees in marital matters that have been approved by the superior court by adjudicating a person in civil contempt; and

Whereas, RSA 491:23-a as proposed by HB 1135 as amended would allow the marital master to order the person incarcerated for such contempt, pending review by a justice of the superior court; and

Whereas, a question has arisen as to the constitutionality of the provisions of the bill; and Whereas, it is important that the question of the constitutionality of said provisions be settled in advance of its enactment; now, therefore, be it

Resolved by the house:

That the justices of the Supreme Court be respectfully requested to give their opinion on the following question of law:

1. Would enactment of HB 1135, as amended, granting marital masters limited powers to impose penalties for civil contempt, including incarceration, vest such power and authority in marital masters that they would be considered judicial officers subject to the nomination and appointment provisions of Part II, Article 46 of the New Hampshire Constitution?

That the clerk of the House of Representatives transmit copies of this resolution and HB 1135 and the amendment to HB 1135 to the justices of the New Hampshire Supreme Court.

Rep. Harwell spoke against.

Reps. Kennedy and Lockwood spoke in favor.

Adopted and ordered to third reading.

SPECIAL ORDERS (Cont'd.)

HB 1492-FN, establishing a procedure for the licensing of independent contractors and setting certain fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill establishes criteria for determining who is an independent contractor, as opposed to an employee, regarding workers' compensation eligibility. Those identified as independent contractors will be required to register with the Secretary of State prior to commencement of work. Vote 11-1.

Rep. Wright moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

DEBATE LIMITED

Reps. Dickinson and Hawkins moved that debate on the substitute motion of Refer for Interim Study on HB 1492 be limited to 30 minutes, equally divided, with with time for questions charged to the member who yields.

Adopted.

Rep. Jay Ward spoke against the substitute motion and yielded to questions.

Reps. Hunt and Arthur Smith spoke in favor.

Reps. Merritt and Hawkins spoke against.

Rep. Dickinson spoke in favor and yielded to questions.

On a division vote, 251 members having voted in the affirmative and 62 in the negative, the motion passed.

Substituted report adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 10, 1994 at 1:00 p.m..

Adopted.

LATE SESSION

Third reading and final passage

HB 1448-FN, requiring that certain documents and publications be included in the state depository law.

HR 55, requesting an opinion of the justices concerning the constitutionality of HB 1135.

UNANIMOUS CONSENT

Rep. Warburton addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 1:25 p.m.

RECESS

(Rep. Welch in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee, Rep. Drake offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1050 and 1582 through 1586 and House Resolution numbered 54, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HR**First, second reading and referral**

HB 1050-FN, establishing the health care transition fund and continually appropriating the fund to the department of health and human services. (A. Torr, Straf 12: Appropriations)

HB 1582-FN, relative to state house health services. (A. Torr, Straf 12; Trombly, Merr: (Legislative Administration)

HB 1583-FN, requiring that milk products known to contain genetically produced bovine somatotropin growth hormone be so labeled. (Newman, Rock 4; Environment and Agriculture.

HB 1584-FN-A-L, establishing a uniform statewide property tax to provide local property tax relief and to equalize funding for education. (Allen, Hills 1: Ways and Means)

HB 1585-FN, consolidating administration of the bureau of risk management and the workers' compensation commission, relative to the board of claims, and abolishing the board of approval for state employee bonds. (C. Brown, Graf 14: Appropriations)

HB 1586-FN-L, regarding victim and law enforcement access to juvenile court records. (A. Torr, Straf 12: Children, Youth and Juvenile Justice)

HR 54, encouraging declassification and dissemination of documents and materials relating to American POW/MIAs. (C. Johnson, Belk 1: Public Protection and Veterans Affairs)

RESOLUTION

Rep. Drake offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 505, 511, 516, 527, 535, 540, 544, 560, 575, 576, 580, 585, 609, 611, 626, 647, 663, 675, 688, 705, 758, 773, 780, 796, 798 and 803, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading referral**

SB 505, establishing a study committee to review the statutory provisions relative to compulsory school attendance. (Education)

SB 511, permitting the executive director of the department of fish and game to impose administrative fines. (Wildlife & Marine Resources)

SB 516, making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case. (Corrections & Criminal Justice)

SB 527, relative to terms of legislative members of the state board of claims and relative to the jurisdiction of the board of tax and land appeals. (Executive Departments & Administration)

SB 535-FN, relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans and providing for indemnification of board members, officers, and employees of the higher education and health facilities authority. (Education)

SB 540, limiting rights of reversion relative to real property. (Judiciary)

SB 544-FN-L, relative to the requirements for sprinkler systems. (Public Protection & Veterans Affairs)

SB 560, requiring participating districts in AREA school systems to negotiate withdrawal plans. (Education)

SB 575-FN, modifying the dental practice act. (Executive Departments & Administration)

SB 576, relative to disease control. (Health, Human Services & Elderly Affairs)

SB 580-FN, establishing a committee to study future directions for New Hampshire child care licensing policies. (Children, Youth & Juvenile Justice)

SB 585, increasing penalties for certain acts of cruelty to animals. (Wildlife & Marine Resources)

SB 609, providing extended terms of imprisonment for certain DWI offenses. (Corrections & Criminal Justice)

SB 611, relative to the penalty for habitual offenders convicted of driving while intoxicated and home confinement. (Corrections & Criminal Justice)

SB 626-FN, abolishing certain state agency positions when current employees have left the positions, unless the general court reestablishes the positions. (Appropriations)

SB 647, relative to compulsory attendance. (Education)

SB 663, relative to wiretapping. (Corrections & Criminal Justice)

SB 675-FN, permitting the propagation and sale of Virginia white-tailed deer. (Environment & Agriculture)

SB 688-L, relative to redemption of property subject to tax liens for the elderly and disabled. (Municipal & County Government)

SB 705, providing that in domestic cases there shall be a presumption that it is in the best interest of a child to have regular, unsupervised visits with both parents. (Children, Youth & Juvenile Justice)

SB 758-FN, relative to a civil filing fee surcharge for civil legal assistance to low-income persons. (Judiciary)

SB 773-FN-A, clarifying the applicability of the real estate transfer tax. (Ways & Means)

SB 780, expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions. (Education)

SB 796, allowing the state board of education to solicit funds to implement character and citizenship education. (Education)

SB 798, increasing the exemption amount from attachment and execution for certain personal property. (Judiciary)

SB 803, relative to land surveyor licensing examinations. (Executive Departments & Administration)

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 10

Thursday, March 10, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Rep. Warburton.

Almighty One, we are facing a long, hard day this afternoon. We pray that we may do it with courtesy and humor. Amen.

Rep. Lynch led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Linda Smith, McNamara, Pantelakos, David Cote, O'Brien, Rheault, Moncrief, Julie Brown and DiPietro, the day, illness.

Reps. McIlwaine, Asselin, Gene Chandler, Chase, Andrews, Paul White, Trelfa, David Flanders, C. William Johnson, Healy, Phyllis Katsakiores, Robert Foster, Channing Brown, Boucher, Blake, Paquette and Eaton, the day, important business.

INTRODUCTION OF GUESTS

Douglas Yennaco, husband of Rep. Yennaco. Susan Henry, guest of Rep. Record. Norbert and Leonard Scanlan, father and uncle of Rep. Scanlan. Brian Yates and Jim Haddock, guests of Rep. Avery.

COMMUNICATIONS

February 23, 1994

James Chandler, House Clerk

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

David W. Hess, r, Hooksett (156 Pine St.) 03106, Merr 11.

William M. Gardner, Secretary of State

February 17, 1994

Harold W. Burns, Speaker

It is with sincere sadness and regret that I resign as state representative, Hillsborough District 44, effective March 1, 1994.

I have accepted employment with St. Mary's Bank, and will be unable to continue to effectively serve my constituents. I have thoroughly enjoyed the seven years I have served in the House, but can no longer realistically make the financial sacrifices involved. My first consideration must be to my family.

I wish to take this opportunity to publicly thank the people of Ward 8 in Manchester for their tremendous support and encouragement during my time in office.

Rep. Jacquelyn M. Domaingue

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 510, relative to certificate of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions. (Amendment printed SJ 3, 2/3/94)

Rep. Flanagan moved that the House concur.

Adopted.

HB 514, amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees. (Amendment printed SJ 3, 2/3/94)

Rep. Flanagan moved that the House concur.

Adopted.

HB 541, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections. (Amendment printed SJ 3, 2/3/94)

Rep. Flanagan moved that the House concur.

Adopted.

PARLIAMENTARY SITUATION

The Speaker explained that the Senate passed and the House accepted four bills that, under House Rule 34(b), need a two-thirds majority for the House to introduce because substantially similar legislation was killed by the House last session.

Rep. Trombly spoke in favor of allowing introduction.

Rep. Ann Torr spoke against.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that Senate Bill numbered 595, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day, shall be by this resolution read a first and second time and referred to the Committee on Executive Departments & Administration.

Roll call request sufficiently seconded. The question being the introduction of SB 595.

YEAS 164 - NAYS 183

YEAS 164

BELKNAP

Campbell, Richard, Jr.	Turner, Robert	Ziegler, Alice
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CARROLL

Bradley, Jeb

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
DePecol, Benjamin	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
Metzger, Katherine	Pearson, Gertrude	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald

COOS

Bradley, Paula	Coulombe, Henry	Harwell, Tyler	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Mears, Edgar	

GRAFTON

Below, Clifton	Copenhaver, Marion	Crory, Elizabeth	Driscoll, William
Guest, Robert	Ham, Bonnie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	Nordgren, Sharon		

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Arnold, Barbara	Bergeron, Lucien
Bergeron, Normand	Borsa, Andrew	Buckley, Raymond	Crotty, Edward
Donovan, Francis	Drabinowicz, A. Theresa	Drolet, Paul	Durham, Susan
Foster, Linda	Franks, Suzan	Gage, Ruth	Gervais, Glen
Gosselin, Gerald	Greenberg, Gary	Haettenschwiller, Alphonse	Hanselman, Gregory
Hart, Nick	Holley, Sylvia	Jean, Claudette	Johnson, Lionel
Kelley, Robert	Kirby, Thomas	Leclerc, Charles	Lown, Elizabeth
Martin, Mary Ellen	Moore, Elizabeth	Morrisette, Roland	Murphy, Robert

Nardi, Theodora
Reidy, Frank
Stewart, Thomas

O'Rourke, Joanne
Rothhaus, Finlay
Sullens, Joan

Perkins, Paul
Sargent, Maxwell
Turgeon, Roland

Plourde, Alphonse
Soucy, Donna
White, John

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Hager, Elizabeth
Mitchell, Vernon
Rogers, Katherine
Wallner, Mary Jane

Buessing, Marjorie
Fillion, Paul
Hall, Douglas
Moore, Carol
Shaw, Randall
Ward, Jay

Coughlin, Anne
French, Barbara
Houlahan, Thomas
Owen, Derek
Teague, Bert
Yeaton, Charles

Daneault, Gabriel
Gilbreth, Robert
Johnson, Joyce May
Regan, Maurice
Trombly, Rick

ROCKINGHAM

Arndt, Janet
Christie, Andrew, Jr.
Gargiulo, Louis
Hurst, Sharleene
Lee, Rebecca
O'Keefe, Patricia
St. Martin, Tommy
Williamson, William

Bell, Juanita
Clark, Martha
Gorman, Donald
Kane, Cecelia
Malcolm, Kenneth
Pratt, Katharin
Syracusa, Anthony

Case, Margaret
Crossman, Harold, Jr.
Groves, Bonnie
Katsakiores, George
McGovern, Cynthia
Rosencrantz, James
Vaughn, Charles

Caswell, Albert, Jr.
Drake, Herbert
Hazelton, Robert
Klemarczyk, Thaddeus
Newman, Rick
Splaine, James
Warburton, Calvin

STRAFFORD

Brown, George
Hambrick, Patricia
Kincaid, William
McCann, William, Jr.
Musler, George
Snyder, Clair

Chagnon, Ronald
Hashem, Elaine
Knowles, William
McGrath, J. Gregory
Pageotte, Donald
Wall, Janet

Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Wheeler, Katherine

Gilmore, Gary
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose Marie

SULLIVAN

Allison, David
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon
Schothanus, Merle

NAYS 183

BELKNAP

Bartlett, Gordon
Hauck, William
Lafam, Robert
Young, Niel

Cain, Thomas
Hawkins, Robert
Lawton, David

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.

Golden, Paul
Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Lyman, L. Randy
Wiggin, Gordon

Beach, Mildred
Mock, Henry

Cogswell, Richard
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

CHESHIRE

Cole, Stacey
Perry, David

Delano, Robert
Smith, Edwin

Hunt, John

McGuirk, Paul

COOS

Foss, Frederic

Guay, Lawrence

Merrill, Gerald

Pratt, Leighton

GRAFTON

Adams, Carl
Gordon, Edward
Wadsworth, Karen

Bean, Pamela
Rose, William
Ward, Kathleen

Brown, Alson
Scanlan, David

Brown, Patricia
Teschner, Douglass

HILLSBOROUGH

Amidon, Eleanor	Arnold, Thomas, Jr.	Bagley, Amy	Bowers, Dorothy
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Clemons, Jane	Cowenhoven, Garret	Daigle, Robert	Desrosiers, William
Dodge, Emma	Dyer, Merton	Dykstra, Leona	Fenton, James
Ferguson, Charles	Fields, Dennis	Gagnon, Eugene	Hall, Betty
Holden, Carol	Holt, Mark	Hunter, Bruce	Jasper, Shawn
Jean, Loren	Kelley, Dana	Kurk, Neal	L'Heureux, Robert
Lachut, Ervin	Laughlin, J. Francis	Lefebvre, Roland	Lessard, Rudy
Lozeau, Donnalee	McCarty, Winston	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Morello, Michael
O'Hearn, Jane	Packard, Bonnie	Pepino, Leo	Peters, Stanley
Philbrook, Paula	Record, Alice	Riley, Frances	Rodgers, G. Philip
Sallada, Roland	Searles, Stanley, Sr.	Smart, John	Tate, Joan
Toomey, Kathryn	Upton, Barbara	Vanderlosk, Stanley	Weergang, Alida
Wells, Peter, Sr.	Wheeler, Robert	Wright, George	

MERRIMACK

Barberia, Richard	Carter, Susan	Chandler, Earle	Chandler, John
Feuerstein, Martin	Hess, David	Holmes, Mary	Kennedy, Richard
Kidder, William	Langer, Ray	Lockwood, Robert	Newland, Matthew
Nichols, Avis	Pfaff, Terence	Stapleton, Henry	Whalley, Michael
Whittemore, James	Willis, Jack		

ROCKINGHAM

Battles, Marjorie	Beaulieu, Jon	Bove, Martin	Buco, Stephen
Campbell, Marilyn	Chester, Sherman	Clark, Vivian	Coes, Betsy
Conroy, Janet	Cote, Charles	Cote, Patricia	Crum, William, Jr.
Dowd, Sandra	Dowling, Patricia	Dube, LeRoy	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.	Gage, Beverly
Hutchinson, Karen	Johnson, Bill	Johnson, Robert	Klemm, Arthur, Jr.
Kruse, Fred	MacDonald, Maurice	McKinney, Betsy	Moore, Benjamin
Noyes, Richard	Packard, Sherman	Pullman, Robert	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ritzo, Eugene	Rubin, George
Schanda, Joseph, Sr.	Senter, Marilyn	Skinner, Patricia	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Sytek, Donna	Sytek, John
Welch, David	Weyler, Kenneth	Woods, Deborah	Yennaco, Carol

STRAFFORD

Callaghan, Frank	Douglass, Clyde	Keans, Sandra	McKinley, Robert
Nehring, William	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Torr, Ralph	Vincent, Francis	Wasson, Richard

SULLIVAN

Behrens, Thomas	Lindblade, Eric	Peyron, Fredrik
Rodeschin, Beverly		

and lacking the necessary two-thirds, the motion of introduction failed.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that Senate Bill numbered 616, relative to term limitations for members of Congress from New Hampshire, shall be by this resolution read a first and second time and referred to the Committee on State-Federal Relations.

Reps. Warburton, Kurk and Kennedy spoke in favor.

Reps. Lefebvre, Dickinson and Jasper spoke against.

Rep. Houlahan spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the introduction of SB 616.

YEAS 227 - NAYS 127**YEAS 227****BELKNAP**

Cain, Thomas
Lafiam, Robert

Campbell, Richard, Jr.
Lawton, David

Dewhirst, Glenn
Turner, Robert

Golden, Paul
Young, Niel

CARROLL

Bradley, Jeb
Wiggin, Gordon

Mock, Henry

Philbrick, Donald

Saunders, Howard

CHESHIRE

Avery, Stephen
Cole, Stacey
Lynch, Margaret
Pratt, Irene
Smith, Edwin

Bonneau, Sarah
DePecol, Benjamin
Manning, Joseph
Richardson, Barbara

Burnham, Daniel
Hunt, John
Metzger, Katherine
Riley, William

Champagne, Richard
Kingsbury, H. Thayer
Pearson, Gertrude
Robertson, Timothy

COOS

Bradley, Paula
Hawkinson, Marie

Coulombe, Henry
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

Harwell, Tyler

GRAFTON

Adams, Carl
Driscoll, William
LaMott, Paul

Below, Clifton
Gordon, Edward
Larson, Nils, Jr.

Brown, Alson
Guest, Robert
Nordgren, Sharon

Copenhaver, Marion
Ham, Bonnie
Rose, William

HILLSBOROUGH

Ahlgren, Madelyn
Bergeron, Lucien
Burke, M. Virginia
Desrosiers, William
Drolet, Paul
Fenton, James
Gagnon, Eugene
Haettenschwiller, Alphonse
Holt, Mark
Kelley, Dana
L'Heureux, Robert
Martin, Mary Ellen
Moore, Elizabeth
O'Hearn, Jane
Plourde, Alphonse
Sallada, Roland
Stewart, Thomas
Upton, Barbara

Allen, W. Gordon
Bergeron, Normand
Calawa, Leon, Jr.
Dodge, Emma
Durham, Susan
Foster, Linda
Gervais, Glen
Hanselman, Gregory
Hunter, Bruce
Kelley, Robert
Leclerc, Charles
Mercer, Robert
Morrissette, Roland
O'Rourke, Joanne
Reidy, Frank
Sargent, Maxwell
Sullens, Joan
Vanderlosk, Stanley

Arnold, Barbara
Borsa, Andrew
Chabot, Robert
Donovan, Francis
Dwyer, Patricia
Franks, Suzan
Gosselin, Gerald
Hart, Nick
Jean, Claudette
Kirby, Thomas
Lown, Elizabeth
Milligan, Robert
Murphy, Robert
Pepino, Leo
Rodgers, G. Philip
Smith, Leonard
Tate, Joan
Weergang, Alida

Arnold, Thomas, Jr.
Buckley, Raymond
Crotty, Edward
Drabinowicz, A. Theresa
Dykstra, Leona
Gage, Ruth
Greenberg, Gary
Holley, Sylvia
Johnson, Lionel
Kurk, Neal
Lozeau, Donnalee
Mittelman, David
Nardi, Theodora
Perkins, Paul
Rothhaus, Finlay
Soucy, Donna
Turgeon, Roland

MERRIMACK

Barberia, Richard
Chandler, John
Fillion, Paul
Holmes, Mary
Langer, Ray
Regan, Maurice
Trombly, Rick

Braiterman, Thea
Coughlin, Anne
French, Barbara
Houlahan, Thomas
Mitchell, Vernon
Rogers, Katherine
Wallner, Mary Jane

Buessing, Marjorie
Daneault, Gabriel
Hager, Elizabeth
Johnson, Joyce May
Moore, Carol
Shaw, Randall
Ward, Jay

Carter, Susan
Dunn, Miriam
Hall, Douglas
Kennedy, Richard
Owen, Derek
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Chester, Sherman
Drake, Herbert
Gargiulo, Louis
Hurst, Sharleene
Klemm, Arthur, Jr.
McGovern, Cynthia
Packard, Sherman
Rosencrantz, James
St. Martin, Tommy
Vaughn, Charles
Williamson, William

Arndt, Janet
Buco, Stephen
Christie, Andrew, Jr.
Dube, LeRoy
Gorman, Donald
Hutchinson, Karen
Lee, Rebecca
McKinney, Betsy
Pratt, Katharin
Rubin, George
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

Battles, Marjorie
Case, Margaret
Clark, Martha
Flanders, John, Sr.
Groves, Bonnie
Kane, Cecelia
Lovejoy, Marian
Newman, Rick
Raynowska, Bernard
Smith, Arthur
Stritch, C. Donald
Welch, David

Bell, Juanita
Caswell, Albert, Jr.
Crossman, Harold, Jr.
Gage, Beverly
Hazelton, Robert
Katsakiores, George
Malcolm, Kenneth
O'Keefe, Patricia
Ritzo, Eugene
Splaine, James
Syracusa, Anthony
Weyler, Kenneth

STRAFFORD

Brown, George
Hambrick, Patricia
Kincaid, William
McCann, William, Jr.
Merritt, Deborah
Wheeler, Katherine

Callaghan, Frank
Hashem, Elaine
Knowles, William
McGrath, J. Gregory
Pageotte, Donald

Chagnon, Ronald
Hemon, Roland
Loder, Suzanne
McKinley, Robert
Rogers, Rose Marie

Gilmore, Gary
Hilliard, Dana
Lundborn, Raymond
Merrill, Amanda
Wasson, Richard

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Lindblade, Eric

Cloutier, John
Palmer, Lorraine

Holl, Ann
Stamatakis, Carol

NAYS 127**BELKNAP**

Bartlett, Gordon
Johnson, Carl

Hauck, William
Rice, Thomas, Jr.

Hawkins, Robert
Rosen, Ralph

Holbrook, Robert
Ziegler, Alice

CARROLL

Allard, Nanci
Lyman, L. Randy

Beach, Mildred

Cogswell, Richard

Dickinson, Howard, Jr.

CHESHIRE

Delano, Robert
Russell, Ronald

McGuirk, Paul

Perry, David

Royce, H. Charles

COOS

Foss, Frederic

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Bean, Pamela
Scanlan, David

Brown, Patricia
Teschner, Douglass

Crory, Elizabeth
Wadsworth, Karen

Hill, Richard
Ward, Kathleen

HILLSBOROUGH

Ahern, Richard
Cepaitis, Elizabeth
Dyer, Merton
Holden, Carol
Laughlin, J. Francis
McRae, Karen
Peters, Stanley
Searles, Stanley, Sr.
Wheeler, Robert

Amidon, Eleanor
Clemons, Jane
Ferguson, Charles
Jasper, Shawn
Lefebvre, Roland
Messier, Irene
Philbrook, Paula
Smart, John
White, John

Bagley, Amy
Cowenhoven, Garret
Fields, Dennis
Jean, Loren
Lessard, Rudy
Morello, Michael
Record, Alice
Toomey, Kathryn
Wright, George

Bowers, Dorothy
Daigle, Robert
Hall, Betty
Lachut, Ervin
McCarty, Winston
Packard, Bonnie
Riley, Frances
Wells, Peter, Sr.

MERRIMACK

Chandler, Earle	Feuerstein, Martin	Gilbreth, Robert	Hess, David
Kidder, William	Lockwood, Robert	Newland, Matthew	Nichols, Avis
Pfaff, Terence	Stapleton, Henry	Whalley, Michael	Whittemore, James
Willis, Jack			

ROCKINGHAM

Beaulieu, Jon	Campbell, Marilyn	Clark, Vivian	Coes, Betsy
Conroy, Janet	Cote, Charles	Cote, Patricia	Crum, William, Jr.
Dowd, Sandra	Dowling, Patricia	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Johnson, Bill	Johnson, Robert	Klemarczyk, Thaddeus
Kruse, Fred	MacDonald, Maurice	Miller, Don	Moore, Benjamin
Noyes, Richard	Pullman, Robert	Putnam, Ed, II	Richards, David
Schanda, Joseph, Sr.	Senter, Marilyn	Skinner, Patricia	Sytek, Donna
Sytek, John	Woods, Deborah		

STRAFFORD

Douglass, Clyde	Dunlap, Patricia	Keans, Sandra	Musler, George
Nehring, William	Pelletier, Arthur	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Torr, Ralph
Vincent, Francis	Wall, Janet		

SULLIVAN

Behrens, Thomas	Flint, Gordon	Peyron, Fredrik	Rodeschin, Beverly
Schotanus, Merle			

and lacking the necessary two-thirds, the motion of introduction failed.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that Senate Bill numbered 710, changing the interest rate on delinquent property taxes and subsequent taxes shall be by this resolution read a first and second time and referred to the Committee on Municipal & County Government.

Roll call request sufficiently seconded. The question being the introduction of SB 710.

YEAS 168 - NAYS 180**YEAS 168
BELKNAP**

Campbell, Richard, Jr.	Laflam, Robert	Lawton, David	Turner, Robert
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CARROLL

Bradley, Jeb	Mock, Henry
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CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	Metzger, Katherine
Pearson, Gertrude	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy			

COOS

Bradley, Paula	Coulombe, Henry	Harwell, Tyler	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar		

GRAFTON

Below, Clifton	Copenhaver, Marion	Driscoll, William	Guest, Robert
Ham, Bonnie	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
Nordgren, Sharon	Rose, William		

HILLSBOROUGH

Ahern, Richard
 Bergeron, Lucien
 Calawa, Leon, Jr.
 Drabinowicz, A. Theresa
 Franks, Suzan
 Greenberg, Gary
 Holley, Sylvia
 Johnson, Lionel
 Leclerc, Charles
 Murphy, Robert
 Reidy, Frank
 Soucy, Donna
 Turgeon, Roland

Ahlgren, Madelyn
 Bergeron, Normand
 Crotty, Edward
 Durham, Susan
 Gage, Ruth
 Haettenschwiller, Alphonse
 Holt, Mark
 Kelley, Robert
 Martin, Mary Ellen
 Nardi, Theodora
 Rodgers, G. Philip
 Stewart, Thomas
 Vanderlosk, Stanley

Allen, W. Gordon
 Borsa, Andrew
 Desrosiers, William
 Dwyer, Patricia
 Gervais, Glen
 Hanselman, Gregory
 Hunter, Bruce
 Kirby, Thomas
 Milligan, Robert
 O'Rourke, Joanne
 Rothhaus, Finlay
 Sullens, Joan
 White, John

Arnold, Thomas, Jr.
 Buckley, Raymond
 Donovan, Francis
 Foster, Linda
 Gosselin, Gerald
 Hart, Nick
 Jean, Claudette
 L'Heureux, Robert
 Morrisette, Roland
 Plourde, Alphonse
 Sallada, Roland
 Tate, Joan

MERRIMACK

Barberia, Richard
 Daneault, Gabriel
 Hall, Douglas
 Mitchell, Vernon
 Rogers, Katherine
 Wallner, Mary Jane

Braiterman, Thea
 Dunn, Miriam
 Holmes, Mary
 Moore, Carol
 Stapleton, Henry
 Yeaton, Charles

Buessing, Marjorie
 Fillion, Paul
 Houlahan, Thomas
 Owen, Derek
 Teague, Bert

Coughlin, Anne
 French, Barbara
 Johnson, Joyce May
 Regan, Maurice
 Trombly, Rick

ROCKINGHAM

Aranda, M. Kathryn
 Caswell, Albert, Jr.
 Crossman, Harold, Jr.
 Groves, Bonnie
 Lee, Rebecca
 O'Keefe, Patricia
 Rubin, George
 Vaughn, Charles

Arndt, Janet
 Chester, Sherman
 Drake, Herbert
 Hazelton, Robert
 Malcolm, Kenneth
 Pratt, Katharin
 Splaine, James
 Williamson, William

Bell, Juanita
 Christie, Andrew, Jr.
 Gargiulo, Louis
 Hurst, Sharleene
 McGovern, Cynthia
 Pullman, Robert
 St. Martin, Tommy

Case, Margaret
 Clark, Martha
 Gorman, Donald
 Kane, Cecelia
 Newman, Rick
 Rosencrantz, James
 Syracuse, Anthony

STRAFFORD

Brown, George
 Hambrick, Patricia
 Kincaid, William
 McCann, William, Jr.
 Musler, George
 Wall, Janet

Callaghan, Frank
 Hashem, Elaine
 Knowles, William
 McGrath, J. Gregory
 Pageotte, Donald
 Wasson, Richard

Chagnon, Ronald
 Hemon, Roland
 Loder, Suzanne
 Merrill, Amanda
 Pelletier, Arthur
 Wheeler, Katherine

Gilmore, Gary
 Hilliard, Dana
 Lundborn, Raymond
 Merritt, Deborah
 Rogers, Rose Marie

SULLIVAN

Allison, David
 Kane, Joan

Burling, Peter
 Palmer, Lorraine

Cloutier, John
 Stamatakis, Carol

Holl, Ann

NAYS 180**BELKNAP**

Bartlett, Gordon
 Hauck, William
 Rice, Thomas, Jr.

Cain, Thomas
 Hawkins, Robert
 Rosen, Ralph

Dewhirst, Glenn
 Holbrook, Robert
 Ziegler, Alice

Golden, Paul
 Johnson, Carl

CARROLL

Allard, Nanci
 Lyman, L. Randy

Beach, Mildred
 Philbrick, Donald

Cogswell, Richard
 Saunders, Howard

Dickinson, Howard, Jr.
 Wiggin, Gordon

CHESHIRE

Avery, Stephen
 McGuirk, Paul
 Smith, Edwin

Cole, Stacey
 Perry, David

Delano, Robert
 Royce, H. Charles

Hunt, John
 Russell, Ronald

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Crory, Elizabeth
Wadsworth, Karen

Bean, Pamela
Gordon, Edward
Ward, Kathleen

Brown, Alson
Scanlan, David

Brown, Patricia
Teschner, Douglass

HILLSBOROUGH

Amidon, Eleanor
Burke, M. Virginia
Cowenhoven, Garret
Dyer, Merton
Fields, Dennis
Jasper, Shawn
Laughlin, J. Francis
Lozeau, Donnalee
Messier, Irene
O'Hearn, Jane
Philbrook, Paula
Searles, Stanley, Sr.
Upton, Barbara
Wright, George

Arnold, Barbara
Cepaitis, Elizabeth
Daigle, Robert
Dykstra, Leona
Gagnon, Eugene
Jean, Loren
Lefebvre, Roland
McCarty, Winston
Mittelman, David
Packard, Bonnie
Record, Alice
Smart, John
Weergang, Alida

Bagley, Amy
Chabot, Robert
Dodge, Emma
Fenton, James
Hall, Betty
Kurk, Neal
Lessard, Rudy
McRae, Karen
Moore, Elizabeth
Perkins, Paul
Riley, Frances
Smith, Leonard
Wells, Peter, Sr.

Bowers, Dorothy
Clemons, Jane
Drolet, Paul
Ferguson, Charles
Holden, Carol
Lachut, Ervin
Lown, Elizabeth
Mercer, Robert
Morello, Michael
Peters, Stanley
Sargent, Maxwell
Toomey, Kathryn
Wheeler, Robert

MERRIMACK

Carter, Susan
Gilbreth, Robert
Kidder, William
Pfaff, Terence
Willis, Jack

Chandler, Earle
Hager, Elizabeth
Langer, Ray
Shaw, Randall

Chandler, John
Hess, David
Newland, Matthew
Whalley, Michael

Feuerstein, Martin
Kennedy, Richard
Nichols, Avis
Whittemore, James

ROCKINGHAM

Battles, Marjorie
Campbell, Marilyn
Cote, Charles
Dowling, Patricia
Flanagan, Natalie
Johnson, Bill
Klemm, Arthur, Jr.
McKinney, Betsy
Packard, Sherman
Ritzo, Eugene
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

Beaulieu, Jon
Clark, Vivian
Cote, Patricia
Dube, LeRoy
Flanders, John, Sr.
Johnson, Robert
Kruse, Fred
Miller, Don
Putnam, Ed, II
Schanda, Joseph, Sr.
Stritch, C. Donald
Welch, David

Bove, Martin
Coes, Betsy
Crum, William, Jr.
Felch, Charles, Sr.
Gage, Beverly
Katsakiores, George
Lovejoy, Marian
Moore, Benjamin
Raynowska, Bernard
Senter, Marilyn
Sytek, Donna
Weyler, Kenneth

Buco, Stephen
Conroy, Janet
Dowd, Sandra
Fesh, Robert
Hutchinson, Karen
Klemarczyk, Thaddeus
MacDonald, Maurice
Noyes, Richard
Richards, David
Skinner, Patricia
Sytek, John
Woods, Deborah

STRAFFORD

Douglass, Clyde
Nehring, William
Torr, Ann

Dunlap, Patricia
Snyder, Clair
Torr, Franklin

Keans, Sandra
Spear, Barbara
Torr, Ralph

McKinley, Robert
Sullivan, Henry
Vincent, Francis

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Flint, Gordon
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

and lacking the necessary two-thirds, the motion of introduction failed.

Rep. Lockwood wished to be recorded in opposition.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that CACR numbered 38, relating to term limits for certain federal and state offices, providing that the terms of office for the members of the United State Congress from New Hampshire shall be limited to 12 years, and for the members of the New Hampshire house and senate shall be limited to 10 years, shall be by this resolution read a first and second time and referred to the Committee on Constitutional & Statutory Revision.

Rep. Guay spoke in favor.

Roll call request sufficiently seconded. The question being the introduction of CACR 38.

YEAS 185 - NAYS 167**YEAS 185****BELKNAP**

Campbell, Richard, Jr.
Turner, Robert

Dewhirst, Glenn

Laflam, Robert

Lawton, David

CARROLL

Bradley, Jeb

Mock, Henry

CHESHIRE

Bonneau, Sarah
Hunt, John
Metzger, Katherine
Riley, William

Burnham, Daniel
Kingsbury, H. Thayer
Pearson, Gertrude
Robertson, Timothy

Champagne, Richard
Lynch, Margaret
Pratt, Irene

DePecol, Benjamin
Manning, Joseph
Richardson, Barbara

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Harwell, Tyler

Hawkinson, Marie

GRAFTON

Adams, Carl
Driscoll, William
LaMott, Paul

Below, Clifton
Gordon, Edward
Larson, Nils, Jr.

Brown, Alson
Guest, Robert
Nordgren, Sharon

Copenhaver, Marion
Ham, Bonnie
Rose, William

HILLSBOROUGH

Ahlgren, Madelyn
Bergeron, Normand
Calawa, Leon, Jr.
Donovan, Francis
Dykstra, Leona
Gage, Ruth
Haettenschwiller, Alphonse
Holt, Mark
Kirby, Thomas
Martin, Mary Ellen
Murphy, Robert
Perkins, Paul
Rodgers, G. Philip
Stewart, Thomas
Vanderlosk, Stanley

Allen, W. Gordon
Borsa, Andrew
Crotty, Edward
Drabinowicz, A. Theresa
Fenton, James
Gervais, Glen
Hanselman, Gregory
Hunter, Bruce
Kurk, Neal
Milligan, Robert
Nardi, Theodora
Peters, Stanley
Rothhaus, Finlay
Sullens, Joan
Weergang, Alida

Arnold, Thomas, Jr.
Buckley, Raymond
Desrosiers, William
Durham, Susan
Foster, Linda
Gosselin, Gerald
Hart, Nick
Jean, Claudette
L'Heureux, Robert
Moore, Elizabeth
O'Rourke, Joanne
Plourde, Alphonse
Sallada, Roland
Tate, Joan

Bergeron, Lucien
Burke, M. Virginia
Dodge, Emma
Dwyer, Patricia
Franks, Suzan
Greenberg, Gary
Holley, Sylvia
Johnson, Lionel
Leclerc, Charles
Morrisette, Roland
Pepino, Leo
Reidy, Frank
Soucy, Donna
Turgeon, Roland

MERRIMACK

Barberia, Richard
Daneault, Gabriel
Hall, Douglas
Mitchell, Vernon
Rogers, Katherine
Wallner, Mary Jane

Braiterman, Thea
Dunn, Miriam
Houlahan, Thomas
Moore, Carol
Shaw, Randall
Ward, Jay

Buessing, Marjorie
Fillion, Paul
Johnson, Joyce May
Owen, Derek
Teague, Bert
Yeaton, Charles

Coughlin, Anne
French, Barbara
Langer, Ray
Regan, Maurice
Trombly, Rick

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Bell, Juanita	Case, Margaret
Caswell, Albert, Jr.	Chester, Sherman	Clark, Martha	Crossman, Harold, Jr.
Drake, Herbert	Dube, LeRoy	Flanders, John, Sr.	Gargiulo, Louis
Gorman, Donald	Groves, Bonnie	Hazelton, Robert	Hurst, Sharleene
Kane, Cecelia	Klemarczyk, Thaddeus	Lee, Rebecca	Malcolm, Kenneth
McGovern, Cynthia	McKinney, Betsy	Newman, Rick	O'Keefe, Patricia
Packard, Sherman	Pratt, Katharin	Raynowska, Bernard	Ritzo, Eugene
Rosencrantz, James	Rubin, George	Smith, Arthur	Splaine, James
St. Martin, Tommy	Stone, Joseph	Syracusa, Anthony	Vaughn, Charles
Welch, David	Williamson, William	Yennaco, Carol	

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Gilmore, Gary
Hambrick, Patricia	Hashem, Elaine	Hemon, Roland	Hilliard, Dana
Kincaid, William	Knowles, William	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	McGrath, J. Gregory	Merrill, Amanda	Merritt, Deborah
Pageotte, Donald	Rogers, Rose Marie	Wheeler, Katherine	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Holl, Ann
Kane, Joan	Palmer, Lorraine	Stamatakis, Carol	

NAYS 167**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Golden, Paul	Hauck, William
Hawkins, Robert	Holbrook, Robert	Johnson, Carl	Rice, Thomas, Jr.
Rosen, Ralph	Ziegler, Alice		

CARROLL

Allard, Nanci	Beach, Mildred	Cogswell, Richard	Dickinson, Howard, Jr.
Lyman, L. Randy	Philbrick, Donald	Saunders, Howard	Wiggin, Gordon

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	McGuirk, Paul
Perry, David	Royce, H. Charles	Russell, Ronald	Smith, Edwin

COOS

Foss, Frederic	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Bean, Pamela	Brown, Patricia	Crory, Elizabeth	Hill, Richard
Scanlan, David	Teschner, Douglass	Wadsworth, Karen	Ward, Kathleen

HILLSBOROUGH

Ahern, Richard	Amidon, Eleanor	Arnold, Barbara	Bagley, Amy
Bowers, Dorothy	Cepaitis, Elizabeth	Chabot, Robert	Clemons, Jane
Cowenhoven, Garret	Daigle, Robert	Drolet, Paul	Dyer, Merton
Ferguson, Charles	Fields, Dennis	Gagnon, Eugene	Hall, Betty
Holden, Carol	Jasper, Shawn	Jean, Loren	Kelley, Dana
Kelley, Robert	Lachut, Ervin	Laughlin, J. Francis	Lefebvre, Roland
Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee	McCarty, Winston
McRae, Karen	Mercer, Robert	Messier, Irene	Mittelman, David
Morello, Michael	O'Hearn, Jane	Packard, Bonnie	Philbrook, Paula
Record, Alice	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Smart, John	Smith, Leonard	Toomey, Kathryn	Upton, Barbara
Wells, Peter, Sr.	Wheeler, Robert	White, John	Wright, George

MERRIMACK

Carter, Susan	Chandler, Earle	Chandler, John	Feuerstein, Martin
Gilbreth, Robert	Hager, Elizabeth	Hess, David	Holmes, Mary
Kennedy, Richard	Kidder, William	Lockwood, Robert	Newland, Matthew
Nichols, Avis	Plaff, Terence	Stapleton, Henry	Whalley, Michael
Whittemore, James	Willis, Jack		

ROCKINGHAM

Battles, Marjorie	Beaulieu, Jon	Bove, Martin	Buco, Stephen
Campbell, Marilyn	Christie, Andrew, Jr.	Clark, Vivian	Coes, Betsy
Conroy, Janet	Cote, Charles	Cote, Patricia	Crum, William, Jr.
Dowd, Sandra	Dowling, Patricia	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Gage, Beverly	Hutchinson, Karen	Johnson, Bill
Johnson, Robert	Katsakiores, George	Klemm, Arthur, Jr.	Kruse, Fred
Lovejoy, Marian	MacDonald, Maurice	Miller, Don	Moore, Benjamin
Noyes, Richard	Pullman, Robert	Putnam, Ed, II	Richards, David
Schanda, Joseph, Sr.	Senter, Marilyn	Skinner, Patricia	Stritch, C. Donald
Sytek, Donna	Sytek, John	Warburton, Calvin	Weyler, Kenneth
Woods, Deborah			

STRAFFORD

Douglass, Clyde	Dunlap, Patricia	Keans, Sandra	McKinley, Robert
Musler, George	Nehring, William	Pelletier, Arthur	Snyder, Clair
Spear, Barbara	Torr, Ann	Torr, Franklin	Torr, Ralph
Vincent, Francis	Wall, Janet	Wasson, Richard	

SULLIVAN

Behrens, Thomas	Flint, Gordon	Lindblade, Eric	Peyron, Fredrik
Rodeschin, Beverly	Schotanus, Merle		

and lacking the necessary two-thirds, the motion of introduction failed.

SPECIAL ORDERS

HB 1243, requiring "johns" to publish their convictions in local newspapers. REFER FOR INTERIM STUDY

Rep. Patricia A. Hambrick for Corrections and Criminal Justice: The committee would like to take the time to explore this very important, but delicate, subject more thoroughly. Vote 13-0. Adopted.

HB 1521-FN, restricting the courts' penalties for civil and criminal contempt. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood and Rep. Benjamin J. DePecol for Judiciary: This bill arises from a court decision that was unfavorable to the sponsor who initially testified that he was incarcerated for "failure to sign some papers." Upon questioning, sponsor acknowledged that "the papers" would have returned property in his deceased mother's estate to the Office of the Public Guardian as ordered by the court after due process. Testimony also indicated that the power to incarcerate for contempt is a powerful tool by which the courts achieve compliance with court orders. This tool would be lost if the bill passes. Vote 15-0.

Adopted.

HB 1127, requiring timely mailing of payments or remittances relating to tax liens and tax sales, tax lien and tax sale redemptions, and payments of subsequent taxes. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Municipal and County Government: The majority of the committee felt that the statutes presently in force address the issues posed by the sponsor and feel that no additional legislation is required at this time. Vote 15-1.

Rep. William Riley moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Stone spoke against.

The motion failed and the report was adopted.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1290-FN, changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees, was removed at the request of Rep. Aranda.

HB 1160, requiring certain questions pertaining to gambling to be included on the official ballot for the 1994 state general election, was removed at the request of Rep. Benjamin Moore.

HB 1400, relative to providing pain relieving medication to individuals who are terminally ill, was removed at the request of Rep. Rose.

HB 1370, repealing the prohibition against including CWIP charges in a public utility's rate base, was removed at the request of Rep. Lucien Bergeron.

HCR 28, issuing an ultimatum to the federal government regarding the national debt, was removed at the request of Rep. Borsa.

Consent Calendar adopted.

HB 1299-FN, permitting the department of revenue administration, with the approval of the joint legislative fiscal committee, to obtain office and working space. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin G. Torr for Appropriations: This bill would have authorized the department of revenue administration to enter into a lease, purchase or lease-purchase agreement to provide office and working space for the department. Subsequent to filing this legislation, the Governor and Council authorized the department of revenue administration to proceed with the same action as the bill authorized. Therefore the bill is not needed. Vote 12-0.

HB 1300-FN-A, requiring the state to pay the cost of superior court bailiffs and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur P. Klemm, Jr. for Appropriations: This bill requires the state to pay all costs to the counties of employing superior court bailiffs which are the result of job requirements imposed by federal and state government. This provision becomes effective July 1, 1995. The committee estimates this cost to be \$150,000 annually. The bill also establishes a study committee to study the subject of increasing the per diem of superior court bailiffs. Vote 18-0.

Amendment (5260B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation.

Amend the bill by replacing all after the enacting clause with the following:

1 Costs Associated With Employing Superior Court Bailiffs. Amend RSA 104:31, XII to read as follows:

XII. For each day any deputy sheriff is employed as a bailiff, he shall be paid \$50 a day plus traveling expenses to attend to any official business. *The state shall reimburse the counties for all costs associated with employing superior court bailiffs if those costs are the result of job requirements imposed by federal and state governments.*

2 Committee Established to Study Per Diem Compensation. A committee is established to study the use of per diem compensation by state boards, commissions and their members, and the state to compensate superior court bailiff.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) One member of the house appropriations committee, appointed by the speaker of the house.

(b) One member of the house executive departments and administration committee, appointed by the speaker of the house.

(c) One member of the senate appropriations committee, appointed by the president of the senate.

(d) One member of the senate executive departments and administration committee, appointed by the president of the senate.

(e) One member representing the executive branch, appointed by the governor.

II. Members of the committee shall not be compensated; however, legislative members shall receive mileage at the legislative rate.

4 Duties.

I. The committee shall have the authority to study all aspects of the compensation which is received by the members of state boards and commissions and by superior court bailiffs. The study shall include, but shall not be limited to:

(a) A review and analysis of the use of per diem compensation.

(b) The different boards and commissions which provide per diem compensation.

(c) The different rates of per diem compensation which are provided.

(d) How the current practice works, with any recommendations for changes.

II. The committee shall have full power and authority to require from the several state departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it may deem necessary.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this act. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report the results of its study, including its findings and recommendations and any proposed legislation, to the governor, the senate president, and the speaker of the house of representatives no later than November 1, 1994, for submission in the 1995 legislative session.

7 Effective Date.

I. Section 1 of this act shall take effect July 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the state to pay all costs to the counties of employing superior court bailiffs which are the result of job requirements imposed by federal and state government.

This bill establishes a committee to study the use of per diem compensation by state boards and commissions to compensate their members and by the state to compensate superior court bailiffs. The committee must file its report, together with any proposed legislation, no later than November 1, 1994.

HB 1580-FN-A, increasing the funds appropriated to finance the gubernatorial transition.
OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Appropriations: It was felt by the Committee that transition is an expense that is appropriately the state's and therefore to protect the integrity of the system should be funded by the state. In addition, no other funds may be expended for transition; however, donated services may be received. Vote 12-0.

Amendment (5373B)

Amend the bill by replacing all after the enacting clause with the following:

1 Executive Office; Financing Transition. Amend 1993, 349:1.01, 04, 01, 02, 03, class 99 to read as follows:

<i>Fiscal</i>	<i>Fiscal</i>
<i>Year</i>	<i>Year</i>
1994	1995

99 Executive office, transition

\$ [1] 70,000 D

2 New Section; Financing Gubernatorial Transition. Amend RSA 9 by inserting after section 27 the following new section:

9:28 Financing Gubernatorial Transition. Funds which are appropriated to the department of administrative services for a gubernatorial transition shall not be used to finance the transition expenses for an incumbent governor-elect. No other funds, either public or private, shall be expended for this purpose. The governor-elect may, however, accept and use in-kind ser-

vices for transition expenses. In order to accept and use in-kind services for transition expenses, the governor shall file a report with the secretary of state no later than March 1 following the election which details all the in-kind services which were accepted and used for transition expenses.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

At the present time, \$1 is appropriated in the state operating budget for fiscal year 1995 to finance the expenses for the governor-elect's transition. This bill increases the appropriation to \$70,000 for fiscal year 1995 for the governor-elect's transition expenses. The bill also prohibits any funds which are appropriated to the department of administrative services for a gubernatorial transition from being used to finance the transition expenses for an incumbent governor-elect. The governor-elect may, however, accept in-kind services for transition expenses by filing a report with the secretary of state no later than March 1 following the election which details those expenses.

HB 1154, extending the "lemon law" to include recreational vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: This bill establishes a statutory study committee in order to determine if there exists a need to establish a separate arbitration board for the purpose of settling disputes involving recreational vehicles. Vote 12-3.

Amendment (4954B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the feasibility of establishing a separate arbitration board for recreational vehicle defects.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Duties. A committee is hereby established to study the feasibility of establishing a separate arbitration board for recreational vehicle defects. For the purposes of this study, "recreational vehicle" means any motor home or van which is a portable, temporary dwelling to be used for travel, recreation and vacation, construed as an integral part of a self-propelled vehicle.

2 Membership. The committee shall consist of the following members:

I. Two senators, appointed by the president of the senate.

II. Two house members, appointed by the speaker of the house.

III. One person from the new motor vehicle arbitration board established in RSA 357-D:5, appointed by the board.

IV. One recreational vehicle dealer, appointed by the governor.

V. One person representing the recreational vehicle industry, appointed by the governor.

3 Chair; Meetings. The first meeting of the committee shall be called by the first-named house member within 30 days of the effective date of this act. The chair of the committee shall be chosen by the members at the first meeting.

4 Mileage. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

5 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the president of the senate, the speaker of the house, and the governor on or before November 1, 1994.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of establishing a separate arbitration board for defective recreational vehicles.

The committee shall submit a report of its findings and recommendations to the president of the senate, the speaker of the house, and the governor on or before November 1, 1994.

HB 1363, requiring that, if the posted or advertised sale price of a product is not charged to the customer, the customer receives the product free. **INEXPEDIENT TO LEGISLATE**

Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs: The committee agrees that consumers should receive the accurate price posted or advertised. However, this legislation proposes harsh penalties for innocent errors. There also seems to be many possibilities for fraud if this bill is passed. Vote 14-1.

HB 1130, relative to the qualifications for a state representative to hold office. **INEXPEDIENT TO LEGISLATE**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: This bill was an attempt to specify additional general qualifications only for the office of state representative. It is the consensus of the committee that the state constitution and other laws adequately cover the qualifications for this office. Vote 13-0.

HB 1222, requiring that recounts of certain secret ballot votes take place at the town or school district meeting. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Young for Constitutional and Statutory Revision: The committee felt this was an excellent piece of legislation that added requirements that recounts of certain secret ballot votes take place at town or school district meetings immediately following the vote. Vote 17-0.

Amendment (5006B)

Amend RSA 40:4-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Notwithstanding any other provision of law, on the request of 5 voters, the moderator shall conduct a recount on any vote taken by secret written ballot under subparagraph (a). The recount shall take place immediately following public announcement of the vote taken providing that the vote margin is not more than 10 percent of the total vote cast. There shall be no fee required for a recount under this section.

AMENDED ANALYSIS

This act requires that on request of a certain number of voters the town or school district moderator conduct a recount of a secret ballot vote immediately following public announcement of the vote. The vote margin must be not more than 10 percent of the total vote cast.

HB 1238-L, relative to time computation for purposes of statutory construction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsy A. Coes for Constitutional and Statutory Revision: This bill clears up confusion in regards to time computation. It makes the time computation method consistent for the election laws and statutory construction. Vote 16-0.

Amendment (5102B)

Amend the bill by replacing all after the enacting clause with the following:

1 Computation of Time; Statutory Construction. RSA 21:35 is repealed and reenacted to read as follows:

21:35 Time, How Reckoned; Days Included and Excluded. Except where specifically stated to the contrary, when a period or limit of time is to be reckoned from a day or date, that day or date shall be excluded from and the day on which an act should occur shall be included in the computation of the period or limit of time.

2 Time Computation in Elections. Amend RSA 652:18 to read as follows:

652:18 Days *Included and Excluded*.

I. Except where specifically stated to the contrary, when a period or limit of time is to be reckoned from a day or date, that day or date shall be excluded from and the day on which an act should occur shall be [excluded from] included in the computation of the period or limit of time.

II. Whenever the election laws refer to a period or limit of time, Saturdays, Sundays, and holidays shall be included, except as provided in paragraph I. However, when the last day for performing any act under the election laws is a Saturday, Sunday or official state holiday, the act required shall be deemed to be duly performed if it is performed on the following business day.

3 Repeal. RSA 652:19, relative to days included for purposes of the election laws, is repealed.

4 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill amends the uniform system of time computation for the purposes of the election laws and for the purposes of statutory construction to exclude the day or date from which a period of time is to be reckoned in that time period.

HB 1318, relative to reporting requirements for elected officials. **OUGHT TO PASS**

Rep. David A. Young for Constitutional and Statutory Revision: This bill was passed by the legislature last year but died in a committee of conference. This bill changes the reporting requirements which elected officials must meet for income which they receive from gifts, honorariums and testimonials. Vote 16-0.

HB 1451-L, authorizing towns and school districts to vote to allow proxy voting at school district meetings and at town meetings. **INEXPEDIENT TO LEGISLATE**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: The committee unanimously believes this bill would be impossible to implement. The confusion of proxy voting would be very disruptive to town and school district meetings. Vote 13-0.

HB 1566-FN, relative to the duties of the secretary of state, including accounting for certain fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Constitutional and Statutory Revision: This is a housekeeping measure that repeals two obsolete statutes dealing with the duties of the Secretary of State. It makes changes consistent with what is in general practice. It makes the Office of the Secretary of State more accountable. Vote 15-0.

Amendment (5371B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the duties of the secretary of state, including accounting for certain fees,
relative to voting in places which are organized and which are not organized
for voting, and relative to the declaration of intent form
which must be filed by candidates.

Amend the bill by replacing section 3 with the following:

3 Places Organized for Voting. Amend RSA 668:1 to read as follows:

668:1 Organization for Voting. The offices for which the inhabitants of an unincorporated place are entitled to vote shall include: [Electors of the president and vice-president] *President and Vice-President* of the United States, United States senator, United States representative, *governor, executive* councilor, state senator, state representative and county offices. The provisions of the election laws relating to town meetings for the choice of election officers and the conduct of state elections shall apply to unincorporated places organized as provided by RSA 53:1.

4 Places Not Organized for Voting. Amend RSA 668:4 to read as follows:

668:4 Offices Voted For. The offices for which inhabitants of unorganized places are entitled to vote shall include: [Electors of the president and vice-president] *President and Vice-President* of the United States, United States senator, United States representative, *governor, executive* councilor, state senator, state representative, and county offices. The inhabitants of the unorganized places are not entitled to vote for any town or ward offices or on any questions concerning the towns in which they vote.

5 Form of Declarations of Intent. Amend RSA 655:17-a to read as follows:

655:17-a Declaration of Intent; Other Candidates. Declarations of intent for nonparty or other candidates shall be in the following form and signed by the candidate:

I, _____, declare that I am domiciled in Ward ____ in the city (or town or unincorporated place) of _____, county of _____ state of New Hampshire, and am a [qualified] *registered* voter herein;

that I intend to be a candidate for the office of _____ to be chosen at the general election to be held on the _____ day of _____ and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the duties of the secretary of state by:

(1) Providing that the province records shall be kept in the state archives rather than in the vaults of the state library.

(2) Repealing the requirement that the secretary of state account for fees received for official acts and pay these fees over to the state treasurer.

(3) Repealing the requirement that the secretary of state prepare certificate of election blanks.

The bill also amends the declaration of intent form which nonparty and other candidates must sign by changing "qualified" voter to "registered" voter, and corrects the list of offices to be voted for under RSA 668 in places which are and which are not organized for voting.

HB 1180, modifying the arson statutes to include wooden covered bridges and increasing the penalty. **OUGHT TO PASS WITH AMENDMENT**

Rep. C. William Johnson for Corrections and Criminal Justice: Under current law it is a Class B felony to burn a covered bridge. This bill increases the penalty to a Class A felony and broadens the definition of covered bridges to include "historic structures" as determined by the Department of Cultural Affairs. Vote 12-0.

Amendment (5092B)

Amend the title of the bill by replacing it with the following:

AN ACT

modifying the arson statutes to include historic structures
and increasing the penalty.

Amend the bill by replacing all after the enacting clause with the following:

1 Arson; Historic Structure Added. Amend RSA 634:1, II to read as follows:

II. Arson is a class A felony if the property damaged is an occupied structure [and the actor knew it was an occupied structure] *or an historic structure*.

2 New Subparagraph; Arson; Definition Added. Amend RSA 634:1, V by inserting after subparagraph (c) the following new subparagraph:

(d) "Historic structure" means any structure listed, or determined by the department of cultural affairs to be eligible for listing, in the National Register of Historic Places, or designated as historic under state or local law.

3 Effective Date. This act shall take effect January 1, 1995.

HB 1227, allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts. **OUGHT TO PASS WITH AMENDMENT**

Rep. C. William Johnson for Corrections and Criminal Justice: This bill authorizes restitution to both the victim and the insurer in criminal cases. In those cases in which restitution has been ordered to be paid to the victim and the insurer in installments, the victim's claim shall be paid before the claim of the insurer. Vote 12-0.

Amendment (4886B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing insurance companies, which indemnify victims, restitution for
damage caused by certain criminal acts and establishing priority
rights as between such victim and the indemnifying entity.

Amend the bill by replacing all after the enacting clause with the following:

1 Allowing Indemnification of Insurance Companies. Amend RSA 651:62, V to read as follows:

V. "Restitution" means moneys, compensation, work or service to be reimbursed by the offender to the victim who suffers personal injury, death or economic loss *or to any collateral source subrogated to the rights of the victim, which indemnifies a victim for personal injury, death or economic loss* under this subdivision.

2 Priority Rights. Amend RSA 651:64 to read as follows:

651:64 Time and Method of Restitution. When restitution is authorized, the time and method of payment or performance of the services shall be specified by the court. Monetary compensation which is not to be paid in installments or at a later specified time shall be paid to the state department of corrections. *In those cases in which restitution has been ordered to be paid in installments to both the victim of the offense and a subrogee that has indemnified a victim for personal injury, death, or economic loss, the victim's claim shall be satisfied before that of the subrogee.* [In those cases,] The corrections department shall make the disbursement to the claimant, and when monetary restitution is authorized as a condition of probation or parole, the department of corrections shall disburse the funds to the claimant. When monetary restitution is authorized as a condition of a work release program under RSA 651:25, the commissioner of corrections shall disburse the funds to the claimant.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows restitution for damages, caused by certain criminal acts, to insurance companies which indemnify victims.

The bill also provides that in certain circumstances restitution be paid to the victim before the indemnifying entity.

HB 1237, making interference with the duty of a probation or parole officer a crime. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: The bill's sponsor brought a concern before the committee explaining how probation and parole officers had no certainty that interference with their job was a criminal offense. This bill as amended makes a cross reference in the probation/parole statute to RSA 642:1 which lays out how they are protected from interference. Vote 12-0.

Amendment (5068B)

Amend the bill by replacing section 1 with the following:

1 New Section; Probation and Parole Officers; Interference with Duty. Amend RSA 504-A by inserting after section 12 the following new section:

504-A:12-a Interference with the Duty of Probation and Parole Officers; Penalty. Any person who obstructs, intimidates, or interferes with a probation or parole officer in the performance of such officer's duties shall be guilty of obstructing government administration under RSA 642:1.

HB 1247, allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Corrections and Criminal Justice: This bill narrowly expands RSA 265:83, drunk driver arrest without a warrant, to include the property of a medical facility in another jurisdiction. This bill allows a police officer to make an arrest for a DWI accident at a medical facility outside of his jurisdiction. Vote 12-0.

Amendment (5040B)

Amend RSA 265:83 as inserted by section 1 of the bill by replacing it with the following:

265:83 Arrest Without a Warrant. Notwithstanding any other *statutory* provision of law to the contrary, a [peace officer] *law enforcement officer* may, without a warrant, arrest any person involved in a traffic accident when the officer has probable cause to believe that such person [has violated the provisions of RSA 265:82 or 82-a] *has committed an offense, an element of which is driving under the influence of intoxicating liquors, controlled drugs or both. Notwithstanding any statutory provision of law to the contrary, a law enforcement*

officer may make such an arrest in such officer's own jurisdiction or on the property of any medical facility in another jurisdiction where the person or others are taken for treatment for injuries suffered in such traffic accident.

HB 1315, relative to annulments of criminal records of persons who have served a term of imprisonment. INEXPEDIENT TO LEGISLATE

Rep. Ronald G. Russell for Corrections and Criminal Justice: The basic subject matter of this bill was included in the amendment to House Bill 1232. This bill related to annulments of criminal records of persons who have served a term of imprisonment. Vote 13-0.

HB 1359, increasing the penalties for certain DWI offenses and repealing the multiple DWI intervention program. INEXPEDIENT TO LEGISLATE

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill had problems too numerous to list. The committee felt that New Hampshire's DWI penalties, consisting of a combination of treatment and punishment, are well thought out and suited to the problem that DWI offenses present. While the committee believes that changes may be made, the idea of reversing our policy seems to imply that it is not effective. Clearly that is not the case. Vote 13-0.

HB 1376, making the act of taking a motor vehicle with the intent to deprive the owner for 24 hours or more a class B felony. INEXPEDIENT TO LEGISLATE

Rep. Donald W. Gorman for Corrections and Criminal Justice: The committee felt that the matter was better covered in Senate Bill 542 which has been referred to this committee. Vote 12-0.

HB 1487-FN, relieving county attorneys of responsibility for criminal prosecutions and requiring the governor to appoint state attorneys responsible to the attorney general for such purposes. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Corrections and Criminal Justice: This bill would have substantially changed the structure of prosecution in our state. The committee agrees that there is merit to taking a serious look at prosecution. HB 1550 which dealt in a different way with the same subject matter has been made into a study committee that will take a look at prosecution as a whole statewide. Vote 12-0.

HBI 20, a mandatory sentence for DWI offenders who commit negligent homicide. INEXPEDIENT TO LEGISLATE

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This House Bill of Intent requested the committee to study whether or not a mandatory sentence was needed for negligent homicide as a result of alcohol. The committee felt that the current increased penalty of a Class A felony was appropriate. Vote 12-0.

HB 1156, allowing the school board to provide transportation to certain pupils when directed by a vote of the school district meeting. INEXPEDIENT TO LEGISLATE

Rep. Karen K. Hutchinson for Education: This legislation is unnecessary as it duplicates current law found in RSA 189:6. Vote 16-0.

HB 1210, requiring cooperative school districts to base part of their costs on a town's valuation. INEXPEDIENT TO LEGISLATE

Rep. Nils H. Larson, Jr. for Education: Three options currently exist to apportion school costs within a cooperative school district. This bill modifies one option by removing the vote of the school district and substituting a state formula. Vote 17-0.

HB 1293, amending the charter of the Union school district of Keene. OUGHT TO PASS

Rep. Richard L. Champagne for Education: This bill will permit the Union School District of Keene to elect the moderator and district clerk to three year terms as provided by law, RSA 671:6a. Vote 16-0.

HB 1301, changing the notification deadline for teachers who are not renominated or re-elected. REFER FOR INTERIM STUDY

Rep. Suzan L. R. Franks for Education: This bill is an effort to address issues surrounding the notification deadlines for renomination of teachers in New Hampshire. It is believed that

this situation has caused distress particularly to the cities operating on a fiscal year calendar, and therefore the Education Committee would like to study this further to seek a resolution. Vote 17-0.

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: This bill establishes a committee to investigate methods of interactive communication and develop a plan for implementing such technology among the public schools. Vote 17-0.

Amendment (4920B)

Amend paragraph VI as inserted by section 1 of the bill by replacing it with the following:

VI. One representative of the cable industry, appointed by the New England Cable Television Association.

Amend section 1 of the bill by inserting after paragraph XII the following new paragraphs:

XIII. The commissioner of postsecondary technical education, or designee.

XIV. One public high school student who is familiar with communication technology, appointed by the New Hampshire Association of School Principals.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

HB 1581, establishing a committee to study the University of New Hampshire cooperative extension, and changing the name of the extension service to "University of New Hampshire cooperative extension." OUGHT TO PASS WITH AMENDMENT

Rep. Stanley N. Searles, Sr. for Education: This bill merely establishes a committee to study U.N.H. cooperative extension programs and its relation to state, county and federal and to see if the name should be changed to meet differences that have been reflected in the federal statute. Vote 15-0.

Amendment (5180B)

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D. OUGHT TO PASS WITH AMENDMENT

Rep. Betty B. Hall for Environment and Agriculture: After consulting with House and Senate legislators who represent the municipalities of the New Hampshire/Vermont Solid Waste District, this legislation puts responsibility for developing a solution on the people most involved. Vote 14-0.

Amendment (5237B)

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is hereby established a committee to study the financial crisis surrounding the New Hampshire/Vermont solid waste project and its effect on member New Hampshire municipalities. The committee, in cooperation with the Vermont legislative council, shall investigate the events and factors that have led to this situation. The committee shall determine what actions, if any, might be taken to benefit the affected municipalities or to avoid similar problems in the future by other municipalities. The committee shall also study the past and present state policies and actions relative to the formation and management of this district.

2 Membership. The New Hampshire/Vermont solid waste project study committee shall consist of the following members:

1. Four members of the house, who shall be representatives from the member municipalities of Acworth, Center Harbor, Claremont, Cornish, Croydon, Goshen, Grantham, Langdon, Lempster, Meredith, New London, Newport, Plainfield, Springfield or Sunapee, appointed by the speaker of the house.

II. Two members of the house environment and agriculture committee who do not represent any of the member municipalities, appointed by the speaker of the house. The first member appointed shall chair the committee and be a nonvoting member, except in the event of a tie vote.

III. One member of the senate, appointed by the senate president.

3 Meetings.

I. The first meeting of the committee shall be held no later than 14 days after the appointment of the membership.

II. At least one committee meeting shall be held in Claremont.

III. Notice of all meetings shall be published in 2 newspapers of general circulation in the New Hampshire/Vermont solid waste project area.

4 Report. The committee shall submit a report, including recommendations for legislation, to the speaker, senate president, and governor no later than November 1, 1994.

5 Mileage. Members shall receive mileage at the legislative rate.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the financial crisis surrounding the New Hampshire/Vermont solid waste project and its effect on member New Hampshire municipalities.

HB 1124, extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Murphy for Judiciary: Most district courts hold arraignments on Monday and this bill would add one day to the 20 days allocated to the defendant to choose between a trial before the court or a jury trial in order to prevent the final day from falling on a week-end. Vote 13-0.

Amendment (5241B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

HB 1244, repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah L. Woods for Judiciary: HB 1244 as amended, repeals certain RSAs that are now contained in the New Hampshire Rules of Evidence. Some are obsolete. This is a house-keeping bill intended to keep procedural rules in one place. No statute with substantive rights is effected. Vote 11-1.

Amendment (4729B)

Amend the title of the bill by replacing it with the following:

AN ACT

repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act and repealing certain provisions regarding witness testimony and admissibility of evidence.

Amend the bill by replacing section 1 with the following:

1 Repeal. The following are repealed:

I. RSA 520, relative to the Uniform Photographic Copies of Business and Public Records as Evidence Act.

II. RSA 516:25, relative to declarations of deceased persons.

III. RSA 516:27, relative to husband and wife.

IV. RSA 516:29, relative to opinions.

V. RSA 516:30, relative to public records.

VI. RSA 516:31, relative to respondents in criminal cases.

VII. RSA 516:32, relative to limitation.

VIII. RSA 516:33, relative to felons.

AMENDED ANALYSIS

This bill repeals RSA 520, the Uniform Photographic Copies of Business and Public Records as Evidence Act. The bill also repeals certain provisions regarding witness testimony and admissibility of evidence.

HB 1287, relative to exemption of pension money and retirement or profit-sharing benefits from the trustee process. **INEXPEDIENT TO LEGISLATE**

Rep. Tyler P. Harwell for Judiciary: This bill would exempt from the claims of creditors most pension assets, if not all. The legislation is worthy in intent, but the committee felt that it would do at least as much harm as good. More harm is done by affording greater protection to debtors, who are fortunate enough to have a pension, private or otherwise, than would be, by leaving the law just as it is! Vote 13-0.

HB 1369, recognizing the legal validity of faxed documents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Lockwood for Judiciary: This bill authorizes the Judicial Council to study issues regarding the legality of faxed documents relative to the judicial system. There is no public policy on this at the present time and the committee was unanimous in its belief that one should be developed. The report would be submitted to the Speaker of the House, the Senate President, and the Governor. Vote 13-0.

Amendment (5129B)

Amend the title of the bill by replacing it with the following:

AN ACT

requesting the judicial council to study issues regarding faxed documents.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court finds that the dissemination and transfer of information by facsimile transmission is becoming common practice in New Hampshire, because it is a convenient, efficient and less expensive way of providing such information in a timely manner. The general court further finds that there is no statutory policy concerning the validity of documents transmitted by facsimile, leaving state courts, agencies, and the public with no guidance concerning this issue. Therefore, the general court finds that it is desirable that a policy be developed concerning the validity of faxed documents.

2 Study. The general court hereby requests that the judicial council study the issue of the validity of documents transmitted by facsimile, including the development of guidelines for use, standards for equipment, fees for services and such other matters as the council deems appropriate. The council shall submit its report, along with any suggested legislation, to the speaker of the house, the senate president, and the governor by November 1, 1995.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requests the judicial council to study issues regarding documents transmitted by facsimile.

HB 1387, relative to the acceptance of risks in recreational activities for the purpose of determining comparative fault in civil actions. **REFER FOR INTERIM STUDY**

Rep. Janet G. Wall for Judiciary: Immunity in recreational activities is an issue which has been brought to our attention numerous times over the years, and is a topic of some confusion. While this bill does not remove responsibility and is a step in the right direction, the question of liability deserves further study. Vote 14-0.

HB 1389, establishing a study committee to examine lowering physicians' malpractice insurance rates and capping damages awarded in malpractice actions. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Moore for Judiciary: While the committee recognizes this is an issue that needs review, there are several other studies being undertaken, including the Governor's Alliance. Another study committee is not needed at this time. Vote 14-0.

HB 1477, changing the judicial district for Thompson and Meserve's Purchase. **OUGHT TO PASS**

Rep. Henry P. Mock for Judiciary: Presently persons apprehended and summoned to court in these two uninhabited Purchases, located off Route 16 near the northeast slopes of the Mount Washington area, must appear in Lancaster District Court. This court is miles around the northern slopes. They must pass by the door of the Gorham District Court. This bill will save some mileage and time for the apprehending authorities and the respondents by allowing them to appear in the Gorham District Court. Vote 12-0.

HB 1576, establishing a procedure for medical decision-making on behalf of patients unable to make decisions for themselves. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Judiciary: After a year of study, this bill was proposed as an answer to a problem perceived by health care providers. The problem was, and will continue to be, the lack of a speedy specific process whereby individuals who are incompetent to make medical decisions for themselves, and who do not have an advanced directive, can legally receive health care in an emergency situation. Vote 15-2.

HB 1216, allowing the exclusion of certain corporate officers and members of limited liability companies from workers' compensation coverage. **OUGHT TO PASS**

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: This bill allows the exclusion and adds to RSA 281-A:2 VIII(a) certain corporate officers and members of limited liability companies from workers' compensation coverage. Corporations have this option. Vote 14-0.

HB 1252, allowing mail claims in certain instances in filing for unemployment compensation and relative to disqualification for benefits due to self-employment. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jay C. Ward for Labor, Industrial and Rehabilitative Services: HB 1252 as amended allows individuals to file unemployment compensation claims by mail and clarifies the meaning of self-employment for the purpose of qualification for unemployment benefits. This bill also adds that qualification for unemployment benefits will include participation in reemployment services. Vote 13-0.

Amendment (4715B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing mail claims in certain instances in filing for unemployment compensation, relative to disqualification for benefits due to self-employment, and relative to eligibility requirements for benefits.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Participation in Reemployment Services. Amend RSA 282-A:31, I by inserting after subparagraph (c) the following new subparagraph:

(f) He has participated in reemployment services when so directed by the commissioner unless he has completed such services or has good cause for failure to participate in such services.

AMENDED ANALYSIS

This bill allows individuals to file for unemployment compensation claims by mail in certain circumstances.

The bill clarifies the meaning of self-employment for the purposes of qualification for unemployment benefits.

The bill also adds participation in reemployment services as a qualification for receiving unemployment benefits.

HB 1262-FN, relative to the compensation for medical, hospital, and remedial care under workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill requires employers subject to the workers' compensation law to pay compensation, which shall be based on the employee's average wages at the time of the original injury, to an injured employee for any period of disability resulting from replacement or repair of any physical or surgical aids made necessary by the injury. Vote 15-0.

Amendment (4980B)

Amend RSA 281-A:23, II as inserted by section I of the bill by replacing it with the following:

II. The employer, or the employer's insurance carrier, shall pay the cost of artificial limbs, eyes, teeth, orthopedic appliances, and physical and surgical aids made necessary by such injury; [and] shall pay the cost of replacement or repair when such is made necessary by wear and tear or by physical change in the person; *and shall pay compensation for disability resulting from the replacement or repair, based on the employee's average wages at the time of the original injury. Notwithstanding RSA 281-A:48, I, a party may petition the commissioner for payment of such compensation at any time, if the disability results solely from the replacement or repair.* If an employee by accident arising out of and in the cause of the employment has suffered the loss of glasses, false teeth, an artificial member, or hearing aid, the employer shall pay the employee an amount equal to the value of the property so lost.

AMENDED ANALYSIS

This bill requires employers subject to the workers' compensation law to pay compensation, which shall be based on the employee's average wages at the time of the original injury, to an injured employee for any period of disability resulting from replacement or repair of any physical or surgical aids made necessary by the injury.

HB 1340-FN, requiring the general court to hold sessions in the evening. REFER FOR INTERIM STUDY

Rep. Pamela B. Bean for Legislative Administration: While there is probably no time that would be convenient for everyone, the Committee feels that this bill is worth studying. Vote II-0.

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee. OUGHT TO PASS WITH AMENDMENT

Rep. Cynthia A. McGovern for Legislative Administration: The bill makes the attorney general a non-voting member of the Ethics Committee, at the request of the attorney general. The few changes to gender neutral language we dedicate to Rep. Shawn Jasper. Vote II-0.

Amendment (5332B)

Amend the bill by replacing all after the enacting clause with the following:

1 Jurisdiction and Sworn Complaint Defined. RSA 14-B:1 is repealed and reenacted to read as follows:

14-B:1 Definitions. In this chapter:

I. "Jurisdiction of the committee" means those actions which allege a violation of law, guideline, rule or regulation and relate to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature.

II. "Sworn complaint" means a statement of facts within the personal knowledge of the complainant alleging a violation of law, guideline, rule or regulation of the legislature and relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature.

2 Ethics Committee Membership. Amend RSA 14-B:2, I(g) to read as follows:

(g) The attorney general or [his] designee, who shall be an attorney employed by the department of justice. *The attorney general, or the attorney general's designee, shall be a nonvoting member of the committee.*

3 Ethics Committee Membership. Amend RSA 14-B:2, II to read as follows:

II. [The first] A committee meeting shall be called within 60 days of the [effective date of this chapter] *convening of each biennial session.* The members shall elect a [chairman] *chairperson and vice-chairperson* at this meeting. The members shall serve for the biennium

and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate.

4 Ethics Committee Duties. RSA 14-B:3 is repealed and reenacted to read as follows:
14-B:3 Duties.

I. The committee shall be authorized to:

(a) Issue guidelines to elucidate proper and appropriate conduct for individuals relating to the performance of their duties as members, officers, or employees of the legislature. Such guidelines shall be consistent with statute.

(b) Issue interpretative rulings explaining and clarifying any law, guideline, rule or regulation within the jurisdiction of the committee.

(c) Render an advisory opinion, in writing within a reasonable time, in response to a written request by a member, officer, or employee, concerning the application of any law, guideline, rule, or regulation within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(d) Receive sworn complaints, and investigate allegations of improper conduct which may reflect upon the legislature, relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature, and make appropriate findings of fact and conclusions with respect to such conduct. Deliberations on such sworn complaints shall be conducted in nonpublic session unless otherwise requested by the legislator, officer, or employee complained against, and shall be conducted in accordance with procedures set forth in RSA 14-B:4 and established by the committee under RSA 14-B:5. The committee shall consider any sworn complaint and shall process each complaint in a confidential manner.

(e) Investigate any unauthorized disclosure of information by any committee member or employee of the committee and report to the legislature concerning any allegation which it finds to be substantiated.

II. Before guidelines and advisory opinions become effective, the committee shall distribute such guidelines and advisory opinions to the members of the senate and the house of representatives. Specific guidelines or advisory opinions may be repealed by a majority vote of both houses for 3 legislative days after distribution.

III. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective.

5 Ethics Committee; Complaints Procedure. RSA 14-B:4 is repealed and reenacted to read as follows:

14-B:4 Complaints; Procedures.

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee shall evaluate each complaint promptly after receipt to ascertain whether the committee has jurisdiction to consider the complaint.

II. Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the attorney general for prosecution.

III. If, after receiving a sworn complaint, the committee concludes by a recorded vote that the alleged conduct is not within the committee's jurisdiction or is without merit or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the legislator, the officer, or the employee of the legislature together with an explanation of the basis of such determination.

IV. If the committee concludes that the complaint is within its jurisdiction and has merit, then by recorded vote, the committee may conduct a preliminary investigation.

V. Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

- (a) No action is appropriate because no improper conduct occurred;
- (b) The violation is inadvertent, technical or of a de minimis nature and shall be addressed by informal methods; or
- (c) The conduct complained of is of a serious nature and formal proceedings should be instituted to inquire further into the complaint. The committee shall then make a statement of formal charges and hold a hearing on the complaint.

VI. Upon completion of the hearing, the committee shall conclude by recorded vote that:

- (a) No action is appropriate because no improper conduct occurred; or
- (b) No action is appropriate because there is not clear and convincing evidence that improper conduct occurred; or
- (c) There was improper conduct based upon clear and convincing evidence, but such conduct does not justify formal disciplinary action and should be resolved by informal methods; or

(d) There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on legislative facilities in the case of an employee of the legislature. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, and to the joint committee on legislative facilities in the case of an employee of the legislature, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed. Such recommendations may include reprimand, censure, or expulsion. Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. In a case involving an employee of the legislature, the joint committee on legislative facilities shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative facilities may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.

VII. In processing complaints filed under this chapter, the committee shall have subpoena powers. If the legislator, the officer, or the employee of the legislature refuses to participate in the proceedings, the committee may refer the complaint to the attorney general for appropriate action.

VIII. Any member of the legislative ethics committee who is directly or indirectly involved in any complaint before the committee shall not participate in deliberations regarding the complaint. In the event that a member does not participate in a particular case, the appointing authority shall designate an alternate to serve on the committee for that case only.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee by:

- (1) Making the attorney general a nonvoting member of the committee.
- (2) Requiring all actions of the committee to be by an affirmative vote of 4 or more members.
- (3) Detailing how complaints shall be submitted to and acted upon by the committee.

HB 1230, relative to the residency requirement for elderly exemptions from the property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Cepaitis for Municipal and County Government: RSA 72:29 defines residency as the "principal place of abode" for those seeking exemptions. It is the opinion of the Committee that existing definition should be used as a guideline to eliminate stated abuse. Vote 17-0.

HB 1331, authorizing cities and towns to adopt reporting requirements for candidates for municipal offices. **INEXPEDIENT TO LEGISLATE**

Rep. Robert M. Fesh for Municipal and County Government: Municipalities already have the authority to set reporting requirements and this piece of legislation is unnecessary. Vote 17-0.

HB 1381, allowing proposed ordinances to be placed on the official ballot used for the election of town officers. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: Since this bill deals with ordinances placed on the official ballot, the committee intends to deal with its subject matter during the study of HB 497. Vote 16-0.

HB 1388-L, requiring that warrant articles on planning and zoning issues use common landmarks and street names for setting boundaries and relative to the town report. **INEXPEDIENT TO LEGISLATE**

Rep. Paula E. Bradley for Municipal and County Government: This bill proposed three changes - to include a map of the town in the annual report showing land and boundaries affected by a proposed zoning ordinance or ordinance amendment. This would add a printing expense to the town which we felt was an unfunded mandate. It also required the affected land and boundaries to be identified by means of understandable landmarks and street names. We felt the language was not clear and could open the door to lawsuits. The bill also changed the distribution date of the annual report to at least 14 days before the annual meeting instead of 7. All testimony suggested this deadline would be impossible to meet. Vote 17-0.

HB 1410, relative to zoning board of adjustment rehearings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman E. Chester for Municipal and County Government: This bill relates to zoning board of adjustment hearings and motions for re-hearings on appeals. This bill satisfies a real need for the clarification of the time frames outlined in RSA 677 and spells out how the allowed times are counted in days. Vote 14-1.

Amendment (4684B)

Amend the bill by replacing section 2 with the following:

2 Rehearing by Board of Adjustment and Board of Appeals; Time for Decision. Amend RSA 677:3, II to read as follows:

II. Upon the filing of a motion for a rehearing, the board of adjustment, a board of appeals, or the local legislative body shall within [10] 30 days either grant or deny the application, or suspend the order or decision complained of pending further consideration. Any order of suspension may be upon such terms and conditions as the board of adjustment, a board of appeals, or the local legislative body may prescribe. If the motion for rehearing is against a decision of the local legislative body and if the selectmen, as provided in RSA 677:2, shall have called a special town meeting within 25 days from the receipt of an application for a rehearing, the town shall grant or deny the same or suspend the order or decision complained of pending further consideration; and any order of suspension may be upon such terms and conditions as the town may prescribe.

HB 1476-L, relative to municipal liability and the tax sale process. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas E. P. Rice, Jr. for Municipal and County Government: In concept this bill is very simple. It holds harmless a municipality which acquires through tax process a piece or pieces of contaminated property. It also prevents the municipality from knowingly transferring the property without giving notice to the new owner of the contamination. Vote 14-0.

Amendment (5169B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certain definitions under the environmental laws, municipal liability and the tax sale and lien process, and the liability of owners of hazardous waste facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Municipal Investigation. Amend RSA 80 by inserting after section 19 the following new section:

80:19-a Environmental Investigation. Prior to or in connection with the tax lien procedures of RSA 80:20-RSA 80:42-a and the tax sale procedures of RSA 80:58-RSA 80:86, a municipi-

pality, county or state may, at its option, on its own behalf or through its agents, enter upon the property subject to tax lien or tax sale for the purpose of conducting an environmental site assessment or environmental audit, if it gives notice of same, in the manner provided by RSA 80:38-a, to the current owner of record at least 30 days prior to entering the property or such shorter period of time as consented to by the owner after receiving such notice.

2 New Paragraph; Tax Liens. Amend RSA 80:38 by inserting after paragraph II the following new paragraph:

III. When a municipality has under paragraph II served notice upon the collector it shall not accept the deed, the tax lien shall remain in effect.

3 New Paragraph; Tax Lien. Amend RSA 80:76 by inserting after paragraph II the following new paragraph:

III. When a municipality has under paragraph II served notice upon the collector it shall not accept the deed, the tax lien shall remain in effect.

4 New Paragraph; Foreclosure Defined; Oil Spillage Chapter. Amend RSA 146-A:2 by inserting after paragraph I-b the following new paragraph:

I-bb. "Foreclosure" means any foreclosure by a holder of a mortgage lien, or, in the case of a tax lien, the conveyance of property by tax deed by a municipality, county or state pursuant to the procedures of RSA 80:20-RSA 80:42-a or of RSA 80:58-RSA 80:86.

5 New Paragraph; Mortgage Interest Defined. Amend RSA 146-A:2 by inserting after paragraph I-g the following new paragraph:

I-h. "Mortgage interest" and "mortgage lien" mean a mortgage lien, tax lien, or other lien or encumbrance securing the payment of money or performance of an obligation.

6 New Paragraph; Tax Lien Defined. Amend RSA 146-A:2 by inserting after paragraph VI-c the following new paragraph:

VI-d. "Tax lien" means a tax lien arising under RSA 80:19, the rights acquired by the grantee in a tax sale pursuant to RSA 80:20-RSA 80:42-a, and a tax lien acquired or transferred pursuant to RSA 80:58-RSA 80:86.

7 New Paragraph; Foreclosure Defined; Underground Storage Facilities Chapter. Amend RSA 146-C:1 by inserting after paragraph VII-b the following new paragraph:

VII-bb. "Foreclosure" means any foreclosure by a holder of a mortgage lien, or, in the case of a tax lien, the conveyance of property by tax deed by a municipality, county or state pursuant to the procedures of RSA 80:20-RSA 80:42-a or of RSA 80:58-RSA 80:86.

8 New Paragraph; Mortgage Interest Defined. Amend RSA 146-C:1 by inserting after paragraph VII-d the following new paragraph:

VII-dd. "Mortgage interest" and "mortgage lien" mean a mortgage lien, tax lien, or other lien or encumbrance securing the payment of money or performance of an obligation.

9 New Paragraph; Tax Lien. Amend RSA 146-C:1 by inserting after paragraph XVII the following new paragraph:

XVII-a. "Tax lien" means a tax lien arising under RSA 80:19, the rights acquired by the grantee in a tax sale pursuant to RSA 80:20-RSA 80:42-a, and a tax lien acquired or transferred pursuant to RSA 80:58-RSA 80:86.

10 New Paragraph; Mortgage Defined; Hazardous Waste Management Chapter. Amend RSA 147-A:2 by inserting after paragraph X-a the following new paragraph:

X-b. "Mortgage" means a mortgage lien, tax lien, or other lien or encumbrance securing the payment of money or performance of an obligation.

11 New Paragraph; Tax Lien Defined. Amend RSA 147-A:2 by inserting after paragraph XIII the following new paragraph:

XIII-a. "Tax lien" means a tax lien arising under RSA 80:19, the rights acquired by the grantee in a tax sale pursuant to RSA 80:20-RSA 80:42-a, and a tax lien acquired or transferred pursuant to RSA 80:58-RSA 80:86.

12 Strict Liability of Owners. Amend the section heading of RSA 147-A:9 and the introductory paragraph of paragraph I to read as follows:

147-A:9 Strict Liability of **Owner**, Operator, Generator, or Transporter.

I. Any **owner**, operator, generator, or transporter who causes or suffers the treatment, storage, transportation or disposal of hazardous waste in violation of RSA 147-A or rules adopted or permits issued under RSA 147-A or RSA 106-A:17 - RSA 106-A:19 or rules

adopted by the commissioner of the department of safety under RSA 106-A:18 shall be strictly liable for costs directly or indirectly resulting from the violation relating to:

13 Confiscation of Property; Adding Owners. Amend RSA 147-A:10, I to read as follows:

I. Any property of a generator, *owner*, operator, or transporter including, but not limited to, vehicles, containers, documents and wastes, used in connection with the disposal, storage, treatment, or transportation of hazardous waste in violation of RSA 147-A or RSA 106-A:17 - RSA 106-A:19 may be seized by the state. The property shall be stored as directed by the court so that the property may be used as evidence in a trial relating to the violation.

14 Duty to Report; Adding Owner. Amend RSA 147-A:11, I to read as follows:

I. Any generator, *owner*, operator, transporter, or employee of a hazardous waste facility who becomes aware of any storage, treatment, or disposal of hazardous waste in violation of this chapter shall immediately report the violation to the division of waste management.

15 Imminent Hazard; Adding Owner. Amend RSA 147-A:13, I to read as follows:

I. Issuing an order directing the *owner or* operator of a hazardous waste facility or the custodian of waste constituting a hazard to take necessary steps to eliminate the hazard. The division of waste management may order the permanent or temporary cessation of operations at a facility. Orders of the division of waste management issued under this section shall be effective immediately. Any person to whom an order is directed shall immediately comply, but may appeal the order to the waste management council in accordance with the provisions of this chapter.

16 New Paragraph; Borrower Defined; Hazardous Waste Cleanup Fund Chapter. Amend RSA 147-B:2 by inserting after paragraph I the following new paragraph:

I-a. "Borrower" means the obligor of an obligation secured by a mortgage interest, mortgage lien, or security interest in a facility.

17 New Paragraph; Foreclosure Defined. Amend RSA 147-B:2 by inserting after paragraph III-a the following new paragraph:

III-b. "Foreclosure" means any foreclosure by a holder of a mortgage lien, or, in the case of a tax lien, the conveyance of property by tax deed by a municipality, county or state pursuant to the procedures of RSA 80:20-RSA 80:42-a or of RSA 80:58-RSA 80:86.

18 New Paragraph; Mortgage Interest Defined. Amend RSA 147-B:2 by inserting after paragraph VIII-f the following new paragraph:

VIII-ff. "Mortgage interest" and "mortgage lien" mean a mortgage lien, tax lien, or other lien or encumbrance securing the payment of money or performance of an obligation.

19 New Paragraph; Tax Lien Defined. Amend RSA 147-B:2 by inserting after paragraph X the following new paragraph:

X-a. "Tax lien" means a tax lien arising under RSA 80:19, the rights acquired by the grantee in a tax sale pursuant to RSA 80:20-RSA 80:42-a, and a tax lien acquired or transferred pursuant to RSA 80:58-RSA 80:86.

20 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill limits the liability of cities and towns for certain environmental defects in municipal property or property subject to tax liens.

The bill extends liability for hazardous waste facilities to the owners of such facilities and adds new definitions under the environmental laws.

HB 1356-FN, relative to the duties of the members and the director of the state veterans council. OUGHT TO PASS WITH AMENDMENT

Rep. Rudy Lessard for Public Protection and Veterans Affairs: HB 1356-FN changes the name of the "State Veterans Advisory Committee." The bill further defines the duties of the "State Veterans Council." The veteran community has approved the changes and will benefit from having clearly defined duties for the "State Veterans Committee." The amendment deletes references to a state veterans cemetery because we do not yet have one. Vote 11-0.

Amendment (4841B)

Amend RSA 115:4, II(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Supervise the activities of a statewide service delivery structure which assists veterans and family members in identifying the eligibility for veterans' benefits, filing claims, coordinating benefits with other state and federal agencies, and reviewing claims decisions for appeals or waivers of unfavorable decisions.

HB 1435, relative to the penalty for a second or subsequent offense for carrying a pistol or revolver without a license. **OUGHT TO PASS**

Rep. Lucien Bergeron for Public Protection and Veterans Affairs: HB 1435 addresses an oversight in the current law. A similar bill in the Senate has passed to the House with amendment. Both bills address the same problem from a different angle. This bill revises the penalty for carrying a concealed weapon without a permit. Instead of creating a Class B felony on the second offense, if that first offense occurred more than seven years prior to the second offense, it shall be a misdemeanor. Any subsequent offense within the seven-year period shall be a Class B felony. Vote 11-0.

HB 1171, relative to the requirements for submission of plans for sewage or waste disposal systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: The Committee unanimously agreed with the sponsor that HB 1171 as amended clarifies the uncertainty which has existed for some time concerning the role of professional engineers in the Division of Water Supply and Pollution Control. The administrator of the Subsurface Systems Bureau is presently a professional engineer, and with the passage of HB 1171 as amended, that person will continue to be. Vote 14-0.

Amendment (5181B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the qualifications for the position of administrator of
the subsurface systems bureau, division of water supply and
pollution control, department of environmental services.

Amend the bill by replacing all after the enacting clause with the following:

1 Administrator of Subsurface Systems Bureau Added. Amend the section heading of RSA 21-O:2 to read as follows:

21-O:2 Commissioner; Assistant Commissioner; Directors; Chief Operations Officer; *Administrator of Subsurface Systems Bureau*; Compensation.

2 New Paragraph; Requirements for Administrator of Subsurface Systems Bureau Added. Amend RSA 21-O:2 by inserting after paragraph IV the following new paragraph:

V. Among any other qualifications required for the position, the commissioner shall require that the administrator of the subsurface systems bureau, of the division of water supply and pollution control hold a valid license or be able to qualify for a valid license, or certificate of registration to practice civil, sanitary, or environmental engineering issued by the lawfully constituted registration board of the state of New Hampshire within 1 year of the date of employment.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to make a valid license or the ability to qualify for a valid license, or certificate of registration to practice civil, sanitary or environmental engineering, a requirement for the position of administrator of the subsurface systems bureau of the division of water supply and pollution control.

HB 1240, permitting a person to have contact with water in a public water supply when taking a boat in or out of a great pond and when there is a safety issue concerning the boat. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: The Committee is convinced that HB 1240 as amended will solve a long-standing problem on certain lakes and ponds in New Hampshire which are used as public water supplies. The current water

treatment regimens, under the Safe Drinking Water Act, mandated by the Environmental Protection Agency and administered by the Department of Environmental Services are more than adequate to take care of what little contamination results from a person entering the water to launch or retrieve a boat or from the unfortunate souls who fall into the water by accident. (To fine three ladies \$80 each, who turned over in their canoe, is ludicrous.) We were told that the whole Committee could skinny-dip after a long day in Concord without the slightest effect on the water quality. Vote 15-0.

Amendment (5055B)

Amend the title of the bill by replacing it with the following:

AN ACT

permitting a person to have contact with water in a public water supply
when loading or unloading a boat or rescuing a person or
animal that has accidentally fallen into the water.

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Contact with Water Supply Allowed. Amend RSA 485:22 to read as follows:
485:22 *Swimming or Bathing; Certain Contact Allowed.*

I. If any person shall swim or bathe in such lake, pond or reservoir, within the limits prescribed for the protection of said water supply by the local board of health or health officer or the division, he shall be guilty of a misdemeanor. Notwithstanding any provision of law to the contrary, this section shall not apply to any person who enters the water while loading or unloading a boat, securing a boat, rescuing a person, pet or domestic animal, or any person falling into the water by accident.

II. No person shall enter into a public water supply within a designated 300 foot protective radius surrounding a water intake, except by accident or when rescuing a person, pet, or domestic animal that has accidentally fallen into the water.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows any person to enter the waters of a public water supply when loading or unloading a boat, securing a boat, rescuing a person, pet or domestic animal, or any person falling into the water by accident.

This bill prohibits any person from entering the waters of a public water supply within a designated 300 foot protective radius surrounding a water intake except to rescue a person or animal that has fallen in by accident.

HB 1241, relative to the submission and approval of plans and specifications for sewage disposal systems. **INEXPEDIENT TO LEGISLATE**

Reps. Deborah F. Merritt and Howard C. Dickinson, Jr. for Resources, Recreation and Development: At present, subdividing land into lots of five acres or more does not require obtaining waste disposal approval from the Department of Environmental Services, unless construction of a waste disposal system is contemplated. While the committee unanimously agreed that no justification for removal of this exemption presently exists, we are concerned that DES may be spending too much time approving waste disposal sites on lots less than five acres on which no development is planned. After all, why burden the landowner with the added expense and DES with the increased workload when no development of the land will take place? In another session, legislation should be introduced to clearly state that not all individual lots, whether created by subdivision or presently existing, can or should be developed. DES must be authorized to decide whether or not waste disposal system approval is appropriate based solely upon the best scientific information and waste disposal technology in existence at the time of development. Vote 14-0.

HB 1326, limiting the export of timber harvested on state-owned forest lands. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Kirby for Resources, Recreation and Development: The intent of HB 1326 is to support the New Hampshire forest products industry in the face of foreign market pressure by heavily subsidized competitors. Federal law today prevents states east of the 100th

meridian from adopting this policy. Enforcement of this measure would be very difficult if adoption were allowed. RR&D believes our preferred action at this time is the support of SCR-10 as amended to obtain the same authority for eastern states Congress has provided those states west of the 100th meridian. Vote 16-0.

HB 1462-L, requiring local planning boards to submit approved subdivision plans to the division of water supply and pollution control for notification purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas J. Kirby for Resources, Recreation and Development: This bill, as amended, provides for the submission and approval of plans and specifications for waste disposal systems, allowing the Department of Environmental Services and our New Hampshire communities to continue using present practices. Serious concern was expressed by DES, developers and community representatives that a strict interpretation of the existing statute would prohibit the community/DES interaction now practiced. Community/DES communication is enhanced by having the local planning board submit one copy of its approved final subdivision plan to DES for information. This is the same consideration that DES gives to the local authority by sending a copy of its final plan to the local agency. HB 1462-L, as amended, has the support of all the parties concerned. Vote 14-0.

Amendment (5266B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the approval by the division of water supply and
pollution control of plans for sewage disposal systems.

Amend the bill by replacing all after the enacting clause with the following:

1 Approval of Sewage Disposal Systems. Amend RSA 485-A:29, 1 to read as follows:

1. Any person proposing either to subdivide land, *except as provided in RSA 485-A:33* or to construct a sewage or waste disposal system shall submit 2 copies of *such* locally approved plans [for] *as are required by the local planning board or other local body having authority for the approval of* any such subdivision of land and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the division as provided in this paragraph. *In the event that such plans which receive final local approval differ from the plans which are reviewed by the division, the person proposing the subdivision shall resubmit those plans to the division for reapproval. The planning board or other local body having final local approval authority shall submit one copy of such plans which receive final local approval to the division for information purposes within 30 days of granting such final approval.* The division shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, what tests are to be required, what standards, guidelines, procedures and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. The rules shall also establish the methodology and review process for approval of innovative/alternative wastewater treatment systems and for approval of a plan for operation, maintenance and financial responsibility for such operations. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the division. All inspections by the division shall be accomplished within 7 business days after receipt of written notification from the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of

the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the division and the requirements of this subdivision.

2 New Paragraph; Exemption from Payment of Additional Fee. Amend RSA 485-A:30 by inserting after paragraph II the following new paragraph:

III. Any person submitting plans and specifications as a resubmission for reapproval of such shall not be required to pay any additional fee under RSA 485-A:30, I and II if changes to such plans and specifications would not constitute a new subdivision under the provisions of RSA 485-A:2, XIII.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds an additional requirement to the process for the approval of locally approved plans for the subdivision of land or the construction of a sewage or waste disposal system by the division of water supply and pollution control, department of environmental services. If the plans which receive final local approval differ from the plans as reviewed by the division, the person proposing the subdivision shall resubmit those plans to the division for reapproval. No additional fee is required for a resubmission of plans for reapproval as long as the plans do not constitute a new subdivision.

The bill also requires the local body having final local approval authority to submit one copy of such plans to the division for information purposes within 30 days of granting final approval.

HB 1263-FN, authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Science, Technology and Energy: HB 1263, as amended, directs the Public Utilities Commission to set certain standards and procedures according to RSA 541-A. The bill also allows for incentive regulation and for changes in accounting standards. Vote 9-0.

Amendment (5184B)

Amend the bill by replacing all after the enacting clause with the following:

1 Rulemaking Expanded. RSA 365:8 is repealed and reenacted to read as follows:

365:8 Rulemaking Authority. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The conduct of its hearings, including alternative processes in hearings and other forms of alternative dispute resolution.

II. Standards and procedures for streamlined review or other alternative processes to enhance the efficiency of the commission and respond to the needs of the utility's ratepayers and shareholders.

III. Standards and procedures for the creation, monitoring and evaluation of alternative forms of regulation.

IV. Standards and procedures for the handling of confidential information, in accordance with RSA 91-A.

V. Standards and procedures for filing requirements for tariffs, engineering, accounting, and other commission matters.

VI. Standards and procedures for franchise terms and conditions, including extended area telephone service.

VII. Standards and procedures for safe and reliable utility service and termination of service subject to RSA 363-B.

VIII. Standards and procedures for matters related to the proper administration of RSA 366 relative to utility relations with affiliates.

IX. Standards and procedures relative to a reasonable amount of the short-term notes, bonds or other evidences of indebtedness based upon the amount of the utility's respective plant investment which each utility shall not exceed without first obtaining the approval of the commission pursuant to RSA 369:7.

X. Standards and procedures for determination and recovery of rate case expenses.

XI. Standards and procedures for the conduct of investigations authorized under this title.

XII. Procedures necessary to provide for the proper administration of and to further the purposes of this title.

2 New Section; Alternative Forms of Regulation. Amend RSA 374 by inserting after section 3 the following new section:

374:3-a Alternative Forms of Regulation; Incentive Regulation. Upon petition of a regulated utility or upon its own initiative and after notice and hearing, the public utilities commission may approve alternative forms of regulation other than the traditional methods which are based upon cost of service, rate base and rate of return, provided that any such alternative results in just and reasonable rates and provides the utility the opportunity to realize a reasonable return on its investment.

3 Exemption for Accounting Standards From Format Requirements of RSA 541-A. Amend RSA 374:8 to read as follows:

374:8 Accounting Systems.

I. The commission may, whenever it deems it advisable, establish a system of accounts and records to be used by public utilities for their business within this state, may classify them and prescribe a system of accounts for each class, and may prescribe the manner in which said accounts shall be kept.

II. The uniform system of accounts for regulated utilities established under the provisions of this section shall be exempt from the requirements of the format standards of RSA 541-A, the administrative procedure act.

4 Exceptions; Telecommunications Utilities Added. Amend RSA 374:25 to read as follows:

374:25 Exceptions. RSA 374:24 shall not apply to:

I. Any business entity operating a public utility plant in this state on June 1, 1911, or doing or desiring to do an interstate business[, or];

II. [To] Any electric utility as defined in RSA 374-A:1 participating or desiring to participate in an electric power facility within this state in accordance with RSA 374-A[, or];

III. [To] Any foreign business entity authorized by the Interstate Commerce Commission to operate motor vehicles for the carriage of passengers for hire in interstate commerce over the highways of this state which presently conducts or desires to conduct the business of transportation of passengers and/or baggage, mail, newspapers and express in the same vehicles with passengers for hire by motor vehicles in intrastate commerce; *or*

IV. Any telecommunications utility, foreign or domestic, fully registered with the New Hampshire secretary of state and in compliance with commission requirements.

5 Rulemaking Provision Removed. Amend RSA 378:28 to read as follows:

378:28 Permanent Rates. So far as possible, the provisions of RSA 378:27 shall be applied by the commission in fixing and determining permanent rates, as well as temporary rates. The commission shall not include in permanent rates any return on any plant, equipment, or capital improvement which has not first been found by the commission to be prudent, used, and useful. Nothing contained in this section shall preclude the commission from receiving and considering any evidence which may be pertinent and material to the determination of a just and reasonable rate base and a just and reasonable rate of return thereon. [The commission may adopt rules applicable to the recovery of rate case expenses under RSA 541-A.]

6 New Paragraph; Exemption Added. Amend RSA 541-A:10 by inserting after paragraph III the following new paragraph:

IV. The uniform system of accounts for regulated utilities established under RSA 374:8, II shall be exempt from the format standards of the rulemaking manual as required by RSA 541-A.

7 Rulemaking Removed. Amend RSA 369:7, II to read as follows:

II. [The commission may adopt rules under RSA 541-A relative to a reasonable amount of the notes, bonds, or other evidences of indebtedness based on the amount of their respective plant investment which each utility shall not exceed without first obtaining the approval of the commission.] In establishing the amounts of the notes, bonds, and other evidences of indebtedness which the utility is permitted to issue or renew without prior commission approval, the commission shall consider the size, circumstances, and other characteristics of each

utility, the aggregate term of the renewals of such notes, bonds, and other evidences of indebtedness, and the time period and manner for reporting such renewals to the commission.

8 Repeal. The following are repealed:

I. RSA 363-B:2, IV relative to the rulemaking authority of the commission under RSA 363-B.

II. RSA 366:10 relative to the rulemaking authority of the public utilities commission under RSA 366.

9 Effective Date. This act shall take effect 60 days after its passage.

HB 1409, relative to voluntary construction standards when applying for a certificate of compliance for energy efficiency to a town, city, building inspector, or the public utilities commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Science, Technology and Energy: The amendment rewrites the bill. The purpose to encourage higher levels of energy efficiency in construction has not changed but the method has. The PUC will establish minimum requirements for voluntary compliance to the higher standards through rule-making authority. The effective date is July 1, 1995. Vote 9-0.

Amendment (5051B)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the public utilities commission to adopt rules relative to
voluntary construction standards for compliance with
increased energy efficiency standards.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The primary purpose of this bill is to encourage higher levels of energy efficiency in construction and to reduce the time required to submit and process certificates of compliance through voluntary compliance with certain higher component R-values.

2 New Paragraph; Procedure for Compliance with Voluntary Construction Standards. Amend RSA 155-D:3 by inserting after paragraph II the following new paragraph:

III. The commission shall establish a procedure to implement the voluntary construction standards for certain new buildings and energy efficient structures. Those structures complying with the values established by the commission shall be deemed to be in compliance with the requirements of the code. Due to the increased energy efficiency of these structures, overall performance or the glass-to-wall ratio calculations required under overall performance and acceptable practice procedures shall be exempted from this voluntary code compliance procedure. All other minimum requirements shall be complied with.

3 New Paragraph; Rulemaking. Amend RSA 155-D:10 to read as follows:

155-D:10 Rulemaking.

I. The public utilities commission shall adopt rules, under RSA 541-A, relative to amendments to the New Hampshire Code for Energy Conservation in New Building Construction adopted under RSA 155-D. Before filing a notice of proposed rule under RSA 541-A:3-a, the commission shall hold an informal conference open to all affected parties.

II. *The public utilities commission shall adopt rules, under RSA 541-A, relative to:*

(a) *The minimum requirements for compliance with voluntary energy efficient construction standards; and*

(b) *A procedure for persons electing to comply with the voluntary energy efficient construction standards.*

4 Effective Date. This act shall take effect July 1, 1995.

AMENDED ANALYSIS

This bill authorizes the public utilities commission to adopt rules which establish minimum voluntary construction standards for certain buildings and structures for persons applying for a certificate of compliance for energy efficiency.

The commission shall be required to adopt rules relative to voluntary energy efficient construction standards beginning July 1, 1995.

HR 45, relative to cable television and retransmission consent. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley W. Peters for Science, Technology and Energy: This House resolution urges commercial broadcast stations to grant retransmission consent to cable operators in New Hampshire and urges Congress to encourage the FCC to make certain market adjustments to ensure that all residents of New Hampshire have access to a wide variety of programming. Vote 10-0.

Amendment (5193B)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

relative to cable television programming availability
and retransmission consent.

Amend the resolution by replacing all after the title with the following:

Whereas, Congress passed the Cable Television Consumer Protection and Competition Act of 1992 to improve the delivery of cable services and to enhance the telecommunications infrastructure by substantially reregulating cable and by promoting competition in the industry; and

Whereas, the 1992 Cable Act prohibits cable television operators from retransmitting commercial broadcast stations without their express permission and consent; and

Whereas, implementation of the must carry and retransmission consent provisions of the 1992 Cable Act has resulted in the loss of certain television channels to New Hampshire communities; and

Whereas, the 1992 Cable Act allows the Federal Communications Commission to make market adjustments to Areas of Dominant Influence in response to written requests if the purposes of the must carry rules can be better served; and

Whereas, the availability of New Hampshire news, weather, and public safety information is vital to the interests of New Hampshire residents; and

Whereas, negotiations between cable systems and those commercial television stations electing retransmission consent are now underway; and

Whereas, if a cable system cannot obtain a station's consent to carriage, that system will no longer be able to deliver the station to cable subscribers; and

Whereas, cable subscribers will lose access to that station via cable, and may have to install rooftop antennas and use "A/B" switches in order to obtain that station over the air; and

Whereas, cable operators throughout the state of New Hampshire are working hard to comply with the new law and to continue providing subscribers with the best and most complete cable television service; and

Whereas, Congress intended that the 1992 Cable Act would benefit consumers, would not substantially inconvenience or confuse consumers, and would not impose new costs on cable television companies; and

Whereas, cable consumers should not be forced to pay additional fees for broadcast programming that is available at no cost to consumers who receive the broadcast signal from an antenna; now, therefore, be it

Resolved by the House:

That the house of representatives hereby urges the commercial broadcast stations to grant consent to cable operators in New Hampshire to retransmit their broadcast signals at no additional cost to cable television subscribers; and

That the house of representatives hereby urges the congress to encourage the Federal Communications Commission to make market adjustments in the Areas of Dominant Influence to ensure that all residents of New Hampshire have access to a wide variety of in-state and out-of-state programming; and

That copies of this resolution, signed by the speaker of the house be forwarded by the house clerk to the commercial broadcast stations which have not yet provided retransmission consent to cable operators in New Hampshire, to the New Hampshire congressional delegation and to the Federal Communications Commission.

AMENDED ANALYSIS

This house resolution urges commercial broadcast stations to grant retransmission consent to cable operators in New Hampshire and urges congress to encourage the Federal Communications Commission to make certain market adjustments to ensure that all residents of New Hampshire have access to a wide variety of programming.

HR 49, urging the general court to support federal legislation on consumer choice in cable. OUGHT TO PASS WITH AMENDMENT

Rep. Clifton C. Below for Science, Technology and Energy: The U.S. Congress is currently considering major legislation to promote competition in the telecommunications industry, including allowing telephone companies to provide video services competing with cable TV companies. This resolution supports such federal legislation with the caveat that it not pre-empt state level playing field statutes such as New Hampshire's and that it preserve state's rights to require local franchises. Vote 9-0.

Amendment (5362B)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

urging the general court to support federal legislation on
consumer choice in cable and telephone service.

Amend the bill by replacing all after the title with the following:

Whereas, a major hurdle to ensuring access for every consumer in America to cable and interactive broadband video services is the cable cross ownership ban of the Cable Communications Policy Act of 1984; and

Whereas, modern technology such as fiber optics and optical switches make it possible to transmit full motion video and telephone conversations at the same time, over the same line; and

Whereas, rather than allow market forces to accelerate the development of modern technology while providing competition to the established cable industry, consumer demands are being frustrated by this anticompetitive prohibition; and

Whereas, despite the passage of the Cable Television Consumer Protection and Competition Act of 1992, experience demonstrates that consumers would best be protected by a competitive marketplace for cable service; and

Whereas, allowing telephone companies to compete to provide cable television services will speed the introduction of advanced telecommunications facilities and services, including the deployment of fiber optic technology necessary to support such services as interactive education and medical services; and

Whereas, allowing cable companies to compete to provide telephone services will speed the introduction of advanced telecommunications facilities and services, including the deployment of fiber optic technology necessary to support such services as interactive education and medical services; and

Whereas, any federal or state legislation should ensure that public educational and governmental entities have access to cable and interactive broadband video services; and

Whereas, any federal or state legislation should ensure that all providers of telecommunications services make an equitable and nondiscriminatory contribution to the preservation of universal service; and

Whereas, state level playing field statutes ensuring equal treatment of all cable operators providing cable service are essential to protecting the public interest; and

Whereas, state level playing field statutes ensuring equal treatment of all telecommunications service providers are essential to protecting the public interest; and

Whereas, any federal legislation allowing telephone companies to be cable operators providing cable service should preserve state's rights to require said companies to obtain a franchise from local franchise authorities on terms or conditions that are not more favorable or less burdensome than those required of the incumbent cable providers; and

Whereas, there are pending in the United States Congress, House Resolution 1504, House Resolution 3636, and other measures which lift the ban which prohibits telephone companies

from operating cable systems within their telephone service areas and allow competition in the provision of local telephone service; now, therefore be it

Resolved by the House of Representatives:

That the general court of New Hampshire urges the United States Congress to support House Resolution 1504, House Resolution 3636, and other appropriate legislative measures which open telephone and cable service to competition while preserving state's rights to regulate telephone and cable companies so that consumers may have a broader selection of cable and telephone services; and

That copies of this resolution, signed by the speaker of the house be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This house resolution urges the general court to support HR 1504 and HR 3636, which lift the cable cross-ownership ban.

HB 1311, prohibiting term limitations for members of the United States Congress from New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Sharleene P. Hurst for State-Federal Relations: The issue of term limitations is very controversial. Until a complete debate takes place, and a final resolution is achieved on this topic, the Committee felt this particular piece of legislation should be found Inexpedient to Legislate. Vote 12-0.

HCR 21, urging the New Hampshire congressional delegation to vote against any retroactive taxation. **INEXPEDIENT TO LEGISLATE**

Rep. Sharleene P. Hurst for State-Federal Relations: This resolution, as written, is moot. Our Congressional Delegation has already unanimously voted against retroactive taxation. Both sides were unable to agree on a good, non-partisan amendment. Vote 12-0.

HJR 20, urging the Federal Highway Administration to include certain segments of U.S. Route 2 in the new "National Highway System." **OUGHT TO PASS**

Rep. Lawrence J. Guay for State-Federal Relations: The Committee supports this resolution in conjunction with the Council of State Governments and all the North Country interests. It would be a great help to Maine, New Hampshire and Vermont by connecting Interstates 89 to 91 to 95. Vote 11-0.

REGULAR CALENDAR

HB 1472-FN, making an appropriation to the fund for domestic violence programs. **OUGHT TO PASS**

Reps. Douglas E. Hall and Robert A. Johnson for Appropriations: The Committee held this bill for a number of weeks while the Attorney General worked with the Department of Health and Human Services to find special federal funds or other grants to support programs for victims of domestic violence. Having failed in that endeavor to date, the Committee supports the additional \$350,000 in general funds for this critical endeavor. Vote 11-1.

Adopted.

HB 1552-FN-L, relative to the certification of employer contributions by the retirement system board of trustees. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Appropriations: The committee felt that it was appropriate to spread the cost of the accrued unfunded liability prospectively to avoid a lump sum payment. Vote 20-0.

Report adopted and ordered to third reading.

HB 1504-FN-L, requiring certain damage disclosure upon the sale or transfer of an automobile. **REFER FOR INTERIM STUDY**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: The bill's intent is to provide information and protection to all who purchase motor vehicles; consum-

ers and dealers, etc. The bill's intent was widely accepted. The language in the bill, according to the sponsors, did require fine tuning. At the sponsor's request, the bill has been referred to interim study. Vote 16-0.

Adopted.

HB 1510-FN, relative to the availability of on-site foreign currency exchange. **OUGHT TO PASS**

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: The Committee endorsed the survey requested by the sponsors of this bill. The bill requires the bank commissioner to conduct a survey of all banks in the state to determine the availability of immediate walk-in foreign currency exchange services on site. The bank commissioner shall report to the commissioner of the Department of Resources and Economic Development which banks, if any, offer six or more different foreign currencies for exchange. The Office of Vacation Travel shall, in any New Hampshire publication aimed at international tourism, include either the list of banks which do or a statement that none do. Vote 15-1.

Report adopted and ordered to third reading.

HB 1161, relative to the authority of the state to regulate political advertising which is broadcast. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: This bill removes radio and television political advertising from state regulations pertaining to political expenditures and contributions. Federal statute now regulates all radio and television political advertising. Vote 14-1.

Amendment (5268B)

Amend the bill by deleting section 1 and renumbering the original sections 2-7 to read as sections 1-6, respectively.

Amend the bill by replacing section 3 with the following:

3 Requirement that Political Advertising be Signed; Reference to Radio and Television Deleted. Amend RSA 664:14, IV to read as follows:

IV. In the case of political advertising [broadcast] *announced* on [radio, television or] any public address system, the name and address of the signer shall be clearly identified.

Amend the bill by replacing section 5 with the following:

5 Identification of Political Advertising; Reference to Radio and Television Deleted. Amend RSA 664:16 to read as follows:

664:16 Identification of Political Advertising. Political advertising printed in newspapers, periodicals or billboards shall be marked at the beginning thereof "Political Advertising." Persons or corporations operating a [radio or television station or] public address system shall [broadcast] *announce* political advertising only after [announcing] *identifying* it as such. Rates for advertising shall be filed, no later than 30 days prior to the deadline for filing for office for an election, with the secretary of state by each person or corporation publishing a newspaper or periodical[, operating a radio or television station,] or selling billboard space. Such schedule shall be open to public inspection, and such schedules may be amended. However, rates in such amendments shall not take effect until 5 days after they are filed with the secretary of state. No person or corporation publishing a newspaper or periodical[, operating a radio or television station,] or selling billboard space shall charge an advertising rate to any candidate, political committee, party or cause that is different from that charged to any other candidate, political committee, party or cause.

Rep. Pfaff spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 1350, expanding the definition of "party" for purposes of the election laws. **INEXPEDIENT TO LEGISLATE**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: This bill is similar to HB 1246 which was defeated by the NH House on February 16, 1994 by a vote of 186-146. Vote 13-1.

Adopted.

HB 1352, relative to the choice of "none of the above" on the ballot. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Young for Constitutional and Statutory Revision: The committee felt the ability of a voter to protest the candidates on a ballot is very important. Currently, on the ballot, mechanisms exist such as blank voting and write-in ballots that allow for voter protest. Therefore, the addition of "None of the above" is not necessary. Vote 12-3.

Adopted.

HB 1405, relative to voting and party membership. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The committee felt this bill was necessary to add clarity to existing law. The bill deals with new parties when they come into existence. The only change is that voters are limited to one election cycle to take the primary ballots of a new party. Current law is ambiguous on this issue. Vote 14-1.

Amendment (4899B)

Amend the bill by replacing section 1 with the following:

1 Voting in Primary Elections. Amend RSA 659:14, I to read as follows:

I. A person desiring to vote at a state or presidential primary election shall, at the time of announcing the person's name, also announce the name of the party to which the person belongs or whether the person is registered as an undeclared voter. If the person's party membership has been registered before, the person shall be given only the ballot of the party with which the person is registered, unless the person desires to vote the ballot of a party not having official existence at the time the person's party membership was previously registered, *in which case the person may vote the ballot of such a party in the state primary election immediately following the political organization's official existence as a party, and not in any subsequent state primary election. A person may also vote the ballot of such a party in the presidential primary election only if the presidential primary election precedes the state primary election to be held in that same year.* If the rules of a party permit a person who is registered as an undeclared voter to vote in the party's primary, any person desiring to vote in that party's primary shall also announce the name of that party at the time of announcing the person's name. No person shall be permitted to vote in any more than one party primary during any primary election.

AMENDED ANALYSIS

Current law provides that for state and presidential primary elections, if a person's party membership has been registered before, the person shall be given only the ballot of the party with which the person is registered, unless the person desires to vote the ballot of a party not having official existence at the time the person's party membership was previously registered.

This bill allows such previously registered persons to vote the ballot of a newly recognized party only in the state primary election immediately following the party's official recognition, and in the presidential primary election immediately following the party's official recognition only if the presidential primary election precedes the state primary election to be held in the same year, and not in any subsequent state and presidential primary elections which follow that vote.

Adopted.

Report adopted and ordered to third reading.

HB 1406, to permit the placement of candidates' names only once on the ballot. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Young for Constitutional and Statutory Revision: The overwhelming discussion in the committee was to allow individual political parties to choose their own nominees. This legislation changed the ballots' reflection of the primary vote. Vote 11-3.

Adopted.

HB 1426, relative to the placement of candidates' names on the ballot. **OUGHT TO PASS**

Rep. Jack B. Willis for Constitutional and Statutory Revision: This bill places positions of candidates on the ballot by the drawing of a single letter by lot by the Secretary of State. The

candidates will be placed starting with the letter drawn proceeding through the alphabet from that point, and so forth. Vote 13-3.

Adopted and ordered to third reading.

HB 1498-FN-L, relative to the type of voting machines which may be used in municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold for Constitutional and Statutory Revision: This bill requires that all voting machines procured in the future be of the type that "read" paper ballots. This will provide a paper trail of ballots which can be examined for purposes of a recount. Vote 14-1.

Amendment (5327B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Replacing Voting Machines. Amend RSA 656 by inserting after section 43 the following new section:

656:43-a Replacement. If a city or town decides to replace all of its lever voting machines or devices for computerized casting and counting of ballots, it may, as a substitute, use the regular hand counted paper ballot system or one of the several approved voting machines or devices for the counting of ballots which reads the voter's choice on a paper ballot.

2 Approval by Ballot Law Commission of Voting Machines. Amend RSA 656:41 to read as follows:

656:41 Approval by Ballot Law Commission. The ballot law commission shall act as a board to examine voting machines and devices for computerized casting and counting of ballots. Said board shall, whenever requested, examine any voting machine or device which may be capable of meeting the requirements for elections held in this state. Said board shall approve such voting machine or device in its discretion, and no voting machine or device shall be used in any election in this state [except] *unless it reads the voter's choice on a paper ballot and is of a type so approved by the ballot law commission.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that if a city or town decides to replace all of its lever voting machines or devices for computerized casting and counting of ballots, it may, as a substitute, use the regular hand counted paper ballot system or one of the several approved voting machines or devices for the counting of ballots which reads the voter's choice on a paper ballot.

The bill also provides that the voting machines or devices which are approved by the ballot law commission must read the voter's choice on a paper ballot.

Adopted.

Report adopted and ordered to third reading.

HB 1104, making a person who knowingly causes the death of a judicial officer guilty of capital murder. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: Under present law, murder of a law enforcement officer acting in the line of duty is a capital offense. The bill adds judicial officers to law enforcement officers. Additionally, the bill provides that murder of either a law enforcement officer or a judicial officer in retaliation for the officer's actions taken in the line of duty is capital murder. These changes are consistent with the purposes of the present capital murder statute. Vote 8-4.

Amendment (4618B)

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Murder; Judicial Officer Added. Amend RSA 630:1, I(a) to read as follows:

(a) A law enforcement officer *or a judicial officer* acting in the line of duty *or when the death is caused as a consequence of or in retaliation for such person's actions in the line of duty;*

2 New Paragraph; Definition Added. Amend RSA 630:1 by inserting after paragraph II the following new paragraph:

II-a. As used in this section, a "judicial officer" is a judge of a district, probate, superior or supreme court; an attorney employed by the department of justice or a municipal prosecutor's office; or a county attorney; or attorney employed by the county attorney.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill makes a person who knowingly causes the death of a judicial officer guilty of capital murder.

Adopted.

Report adopted and ordered to third reading.

HB 1105, limiting the suspension of sentences. OUGHT TO PASS WITH AMENDMENT

Reps. Donna P. Sytek and Katherine H. Metzger for Corrections and Criminal Justice: Under current law, a prisoner may petition the court to have his sentence reduced every two years (four years for violent crimes) regardless of the length of his original sentence. Victims and prosecutors are notified of the hearing and are invited to comment. Even when chances of sentence reduction are remote, such as early in a 25-year sentence, the victim or his family feels obligated to go to court and relive the horrors of the crime. This bill, as amended, requires a prisoner to have completed either 2/3 of his sentence or four years, whichever is greater, before filing a petition for sentence reduction. After the first try, he can file again no more frequently than every three years. The Commissioner of Corrections and the Attorney General have authority to recommend sentence reduction at any time, under certain conditions. The committee believes this measure will reduce trauma to crime victims while still offering hope to the truly reformed prisoner. Vote 12-0.

Amendment (5274B)

Amend RSA 651:20, I as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding any other provision of law, except as provided in subparagraphs (a), (b), and (c), the sentence to imprisonment of any person may be suspended by the sentencing court at the time of imposition of the sentence or at any time thereafter in response to a petition to suspend sentence which is timely brought in accordance with the limitations set forth below in subparagraphs (a), (b), and (c).

(a) Any person sentenced to state prison shall not bring a petition to suspend sentence until such person has served at least 4 years or 2/3 of his minimum sentence, whichever is greater, and not more frequently than every 3 years thereafter.

(b) A petition to suspend the sentence of any state prisoner may be brought at any time if, prior to the petition being filed, the commissioner of the department of corrections has found that the prisoner is a suitable candidate for suspension of sentence.

(c) A petition to suspend the sentence of any state prisoner may be brought at any time by the attorney general in recognition of substantial assistance by the inmate in the investigation or prosecution of a serious felony offense.

(d) Petitions filed which do not meet the criteria in (a), (b), or (c) above shall be dismissed without a hearing.

Amend the bill by replacing section 2 with the following:

2 Applicability. This act shall apply to all petitions brought after the effective date of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

HB 1232, prohibiting annulments for certain crimes. OUGHT TO PASS WITH AMENDMENT

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: Upon hearing two bills (this one and HB 1315) that would each change some parts of the criminal record annulment law, with damaging testimony about problems with the present law, the committee decided that it was time to re-write the entire section. This was done with input from the sponsors of

both bills and help from the attorney general's office. The amended bill tightens the requirements for annulment of serious offense records and, in the case of certain crimes of violence or obstruction of justice, it prohibits annulment altogether. At the same time, the bill preserves, and even broadens, the concept of allowing record annulment for minor and moderate offenders who have completed their sentences and cleaned up their acts. One major change is to make the clean-time required before applying for annulment dependent on the offense and not (as in present law) on the sentence. The bill is also designed to clear up some inconsistency and confusion that exists in the present law, and it repeals a conflicting section on destroying certain arrest records. Vote 12-0.

Amendment (5235B)

Amend the bill by replacing all after the enacting clause with the following:

1 Annulment of Criminal Records. RSA 651:5 is repealed and reenacted to read as follows:
651:5 Annulment of Criminal Records.

I. Except as provided in paragraphs V-VIII the record of arrest, conviction and sentence of any person may be annulled by the sentencing court at any time in response to a petition for annulment which is timely brought in accordance with the provisions of this section if in the opinion of the court, after hearing, the annulment will assist in the petitioner's rehabilitation and will be consistent with the public welfare.

II. Any person whose arrest has resulted in a finding of not guilty, or whose case was dismissed or not prosecuted, may petition for annulment of the arrest record at any time in accordance with the provisions of this section.

III. Except as provided in RSA 265:82-c or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA 265:82, for a period of time as follows:

- (a) For a violation, one year.
- (b) For a class B misdemeanor except as provided in subparagraph (f), 3 years.
- (c) For a class A misdemeanor except as provided in subparagraph (f), 3 years.
- (d) For a class B felony except as provided in subparagraph (g), 5 years.
- (e) For a class A felony, 10 years.
- (f) For sexual assault under RSA 632-A:4, 10 years.
- (g) For felony indecent exposure or lewdness under RSA 645:1, II, 10 years.

IV. If a petition for annulment is denied, no further petition shall be brought more frequently than every 3 years thereafter.

V. No petition shall be brought and no annulment granted in the case of any violent crime, of any crime of obstruction of justice, or of any offense for which the petitioner was sentenced to an extended term of imprisonment under RSA 651:6.

VI. If a person has been convicted of more than one offense, no petition for annulment shall be brought and no annulment granted:

- (a) If annulment of any part of the record is barred under paragraph V; or
- (b) Until the time requirements under paragraphs III and IV for all offenses of record have been met.

VII. If, prior to disposition by the court of a petition for annulment, the petitioner is charged with an offense conviction for which would bar such annulment under paragraph V or VI(a) or would extend the time requirements under paragraphs III, IV and VI(b), the petition shall not be acted upon until the charge is disposed.

VIII. Any petition for annulment which does not meet the requirements of paragraphs III-VI shall be dismissed without a hearing.

IX. When a petition for annulment is timely brought, the court shall require the department of corrections to report to the court concerning any state or federal convictions, arrests or prosecutions of the petitioner and any other information which the court believes may aid in making a determination on the petition. The department shall charge the petitioner a fee of \$100 to cover the cost of such investigation unless the petitioner demonstrates that he is indigent. The court shall provide a copy of the petition to the prosecutor of the underlying offense and permit them to be heard regarding the interest of justice in regard to the petition.

X. Upon entry of an order of annulment:

(a) The person whose record is annulled shall be treated in all respects as if he had never been arrested, convicted or sentenced, except that, upon conviction of any crime committed after the order of annulment has been entered, the prior conviction may be considered by the court in determining the sentence to be imposed, and may be counted toward habitual offender status under RSA 259:39.

(b) The court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order, and that its effect is to annul the record of arrest, conviction and sentence, and shall notify the state police criminal records unit and the arresting agency.

(c) In any application for employment, license or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous criminal record only in terms such as "Have you ever been arrested for or convicted of a crime that has not been annulled by a court?"

XI. Nothing in this section shall affect any right:

(a) Of the person whose record has been annulled to appeal from the conviction or sentence or to rely on it in bar of any subsequent proceedings for the same offense; or

(b) Of law enforcement officers to maintain arrest and conviction records and to communicate information regarding the annulled record of arrest or conviction to other law enforcement officers for legitimate investigative purposes or in defense of any civil suit arising out of the facts of the arrest, or to the police standards and training council solely for the purpose of assisting the council in determining the fitness of an individual to serve as a law enforcement officer, in any of which cases such information shall not be disclosed to any other person.

XII. A person is guilty of a misdemeanor if, during the life of another who has had a record of arrest or conviction annulled pursuant to this section, he discloses or communicates the existence of such record except as provided in paragraph XI(b).

XIII. As used in this section, "violent crime" means:

(a) Capital murder, first or second degree murder, manslaughter, or class A felony negligent homicide under RSA 630;

(b) First degree assault under RSA 631:1;

(c) Aggravated felonious sexual assault or felonious sexual assault under RSA 632-A;

(d) Kidnapping or criminal restraint under RSA 633;

(e) Class A felony arson under RSA 634:1;

(f) Robbery under RSA 636;

(g) Incest under RSA 639:2, or endangering the welfare of a child by solicitation under RSA 639:3, III; or

(h) Any felonious child pornography offense under RSA 649-A.

XIV. As used in this section, "crime of obstruction of justice" means:

(a) Tampering with witnesses or informants under RSA 641:5 or falsifying evidence under RSA 641:6; or

(b) Any felonious offense of obstructing governmental operations under RSA 642.

2 Application. The provisions of section 1 of this act shall apply in the case of any petition for annulment brought after the effective date of this act, except that any person convicted of a misdemeanor before the effective date of this act shall have the option of applying for annulment under the laws in effect at the time of sentencing.

3 Repeal. RSA 593:4, relative to destruction of certain arrest records, is repealed.

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill modifies the procedures for the annulment of criminal records and also prohibits the annulment of certain serious crimes.

Adopted.

Report adopted and ordered to third reading.

HB 1550, requiring the attorney general to recommend to the general court the best way to implement an efficient and unified system of criminal prosecution. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill as amended establishes a joint House/Senate study committee to explore ways to improve our system of criminal prosecution. Currently the Attorney General has general supervision of all prosecutions with the County Attorneys responsible for felonies and some misdemeanors and local prosecutors responsible for violations and misdemeanors, and the Attorney General's office responsible for homicides. The bill directs the committee to consult with all the players in the system and to bring in recommendations by November 1, 1994. Vote 12-0.

Amendment (4909B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Authority. There is established a joint legislative committee to examine and recommend the best way to ensure an efficient system of criminal prosecution at the district and superior court level. The committee may invite participation of county attorneys, the office of the attorney general, and other experts as may be appropriate.

2 Members. The committee shall consist of the members of the house corrections and criminal justice committee and the members of the senate judiciary committee. A chairperson shall be elected at the first meeting.

3 Report. The committee shall submit a report, including recommendations for legislation, to the speaker of the house, senate president and governor no later than November 1, 1994.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

Adopted.

Report adopted and ordered to third reading.

HCR 29, clarifying legislative intent on issues of local school board control. **OUGHT TO PASS**

Rep. Nils H. Larson, Jr. for Education: This resolution expresses the intent of the House that the exercise of local control requires a broad spectrum of options be made available to local authorities for their adoption of policy in local communities. The resolution applies to the State Board of Education and its policies on health curricula as well as all agencies and boards of state government. Vote 16-0.

Adopted and ordered to third reading.

HB 1108, relative to the appointment of members to the northeast interstate dairy compact commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Derek Owen for Environment and Agriculture: The amendment, which replaces all after section I, clarifies existing legislation on the sampling and testing of raw milk. Vote 16-0.

Amendment (4875B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the appointment of members to the northeast interstate dairy compact commission and relative to the certification of milk laboratories.

Amend the bill by replacing all after section 1 with the following:

2 Definition; Director. Amend RSA 184:79, XV to read as follows:

XV. The term "director" means the director of the division of public health *services* of the department of health and human services, *or designee*.

3 Definition; Milk Laboratory. Amend RSA 184:79, XX to read as follows:

XX. The term "[approved] milk laboratory" means a laboratory customarily engaged in whole or part in the analysis of milk or milk products[, which has been approved in writing by the director].

4 New Section; Laboratory Certification. Amend RSA 184 by inserting after section 82 the following new section:

184:82-a Duties; Division of Public Health Services. The director shall certify to the milk sanitation board that any laboratory in the state engaged in whole or in part in the analysis of milk or milk products meets the criteria established in rules adopted by the board under RSA 184:93, I(1).

5 Reference to Certification. Amend RSA 184:83 to read as follows:

184:83 Analysis Required. Each milk plant engaged in processing milk shall, at least once in each *director under RSA 184:82-a*, calendar month, collect and submit to [an approved] a milk laboratory, *which has been certified by the* for analysis a sample of milk of each producer supplying milk to such milk plant. Such laboratory shall determine the bacterial count of such samples as raw milk, such determination to be made by the standard plate count method, as well as a determination for such harmful substances as the milk sanitation board may by regulations require and shall keep a record of such findings for a period of not less than one year following any such findings which shall be open to inspection by the director. The laboratory shall make a report to the milk plant submitting any such samples, and said laboratory shall transmit a copy of each such report to the director.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides for the appointment of New Hampshire delegates to the northeast interstate dairy compact commission.

The bill also requires the director of the division of public health services to certify to the milk sanitation board that milk laboratories in the state meet criteria established by the board. Adopted.

Report adopted and ordered to third reading.

HB 1121, repealing the standardbred breeders and owners development agency. **OUGHT TO PASS**

Rep. Derek Owen for Environment and Agriculture: The Committee felt there was very little support for the existing statute. This agency showed little demonstrated need, is not financed, and, indeed, is "archaic." Vote 16-1.

Adopted and ordered to third reading.

HB 1302-L, making aircraft operating areas subject to property taxation on the basis of current use. **REFER FOR INTERIM STUDY**

Rep. Donald R. Philbrick for Environment and Agriculture: The problem brought forth by the sponsors of this bill was recognized by the subcommittee assigned to study it. It was felt that the issue of discretionary easements in general should be studied further. Vote 16-0.

Adopted.

HB 1421, requiring owners to enroll land in current use for a 10-year period and changing the rate of the land use change tax. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Environment and Agriculture: This bill attempted to change the land use change tax with a very complicated formula which would involve considerable work on town administrators. There were questions of unfunded mandates and numerous legal questions on a mandatory reenrollment program for all landowners with land currently enrolled in current use. Vote 16-0.

Rep. Shaw spoke against.

Rep. Philbrick spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the committee report.

YEAS 304 NAYS 35**YEAS 304****BELKNAP**

Bartlett, Gordon
Hauck, William
Laffam, Robert
Salatiello, Thomas

Cain, Thomas
Hawkins, Robert
Lawton, David
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Ziegler, Alice

Golden, Paul
Johnson, Carl
Rosen, Ralph

CARROLL

Beach, Mildred
Mock, Henry

Bradley, Jeb
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Cole, Stacey
Lynch, Margaret
Pratt, Irene
Royce, H. Charles

Bonneau, Sarah
DePecol, Benjamin
Manning, Joseph
Richardson, Barbara
Russell, Ronald

Burnham, Daniel
Hunt, John
Pearson, Gertrude
Riley, William
Smith, Edwin

Champagne, Richard
Kingsbury, H. Thayer
Perry, David
Robertson, Timothy

COOS

Bradley, Paula
Hawkinson, Marie
Pratt, Leighton

Coulombe, Henry
Horton, Lynn

Foss, Frederic
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

GRAFTON

Adams, Carl
Brown, Patricia
Gordon, Edward
Larson, Nils, Jr.
Wadsworth, Karen

Bean, Pamela
Copenhaver, Marion
Guest, Robert
Nordgren, Sharon
Ward, Kathleen

Below, Clifton
Crory, Elizabeth
Ham, Bonnie
Scanlan, David

Brown, Alson
Driscoll, William
Hill, Richard
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Bowers, Dorothy
Chabot, Robert
Daigle, Robert
Drabinowicz, A. Theresa
Dykstra, Leona
Foster, Linda
Gervais, Glen
Hanselman, Gregory
Holt, Mark
Kelley, Dana
L'Heureux, Robert
Lown, Elizabeth
McRae, Karen
Moore, Elizabeth
Nardi, Theodora
Pepino, Leo
Record, Alice
Sargent, Maxwell
Soucy, Donna
Toomey, Kathryn
Weergang, Alida

Ahlgren, Madelyn
Bergeron, Lucien
Buckley, Raymond
Clemons, Jane
Desrosiers, William
Drolet, Paul
Fenton, James
Franks, Suzan
Gosselin, Gerald
Hart, Nick
Jasper, Shawn
Kelley, Robert
Lachut, Ervin
Lozeau, Donnalee
Mercer, Robert
Morello, Michael
O'Hearn, Jane
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Stewart, Thomas
Turgeon, Roland
Wells, Peter, Sr.

Amidon, Eleanor
Bergeron, Norman
Burke, M. Virginia
Cowenhoven, Garret
Dodge, Emma
Durham, Susan
Ferguson, Charles
Gage, Ruth
Haettenschwiller, Alphonse
Holden, Carol
Jean, Claudette
Kirby, Thomas
Laughlin, J. Francis
Martin, Mary Ellen
Messier, Irene
Morrissette, Roland
O'Rourke, Joanne
Philbrook, Paula
Rothhaus, Finlay
Smart, John
Sullens, Joan
Upton, Barbara
Wheeler, Robert

Arnold, Barbara
Borsa, Andrew
Cepaitis, Elizabeth
Crotty, Edward
Donovan, Francis
Dwyer, Patricia
Fields, Dennis
Gagnon, Eugene
Hall, Betty
Holley, Sylvia
Johnson, Lionel
Kurk, Neal
Lessard, Rudy
McCarty, Winston
Mittelman, David
Murphy, Robert
Packard, Bonnie
Plourde, Alphonse
Sallada, Roland
Smith, Leonard
Tate, Joan
Vanderlosk, Stanley
White, John

MERRIMACK

Barberia, Richard
 Chandler, John
 Fillion, Paul
 Hall, Douglas
 Johnson, Joyce May
 Mitchell, Vernon
 Owen, Derek
 Trombly, Rick

Braiterman, Thea
 Coughlin, Anne
 French, Barbara
 Hess, David
 Kennedy, Richard
 Moore, Carol
 Plaff, Terence
 Wallner, Mary Jane

Carter, Susan
 Dunn, Miriam
 Gilbreth, Robert
 Holmes, Mary
 Kidder, William
 Newland, Matthew
 Regan, Maurice
 Whittemore, James

Chandler, Earle
 Feuerstein, Martin
 Hager, Elizabeth
 Houlahan, Thomas
 Lockwood, Robert
 Nichols, Avis
 Rogers, Katherine

ROCKINGHAM

Aranda, M. Kathryn
 Bove, Martin
 Chester, Sherman
 Coes, Betsy
 Crossman, Harold, Jr.
 Drake, Herbert
 Flanders, John, Sr.
 Hazelton, Robert
 Johnson, Robert
 Klemm, Arthur, Jr.
 McGovern, Cynthia
 O'Keefe, Patricia
 Raynowska, Bernard
 Schanda, Joseph, Sr.
 Syracuse, Anthony
 Welch, David
 Yennaco, Carol

Arndt, Janet
 Bucu, Stephen
 Christie, Andrew, Jr.
 Conroy, Janet
 Crum, William, Jr.
 Dube, LeRoy
 Gage, Beverly
 Hurst, Sharleene
 Kane, Cecelia
 Lee, Rebecca
 McKinney, Betsy
 Packard, Sherman
 Richards, David
 Senter, Marilyn
 Sytek, Donna
 Weyler, Kenneth

Battles, Marjorie
 Case, Margaret
 Clark, Martha
 Cote, Charles
 Dowd, Sandra
 Felch, Charles, Sr.
 Gargiulo, Louis
 Hutchinson, Karen
 Katsakiores, George
 MacDonald, Maurice
 Miller, Don
 Pratt, Katharin
 Ritzo, Eugene
 Splaine, James
 Sytek, John
 Williamson, William

Beaulieu, Jon
 Caswell, Albert, Jr.
 Clark, Vivian
 Cote, Patricia
 Dowling, Patricia
 Flanagan, Natalie
 Groves, Bonnie
 Johnson, Bill
 Klemarczyk, Thaddeus
 Malcolm, Kenneth
 Moore, Benjamin
 Putnam, Ed, II
 Rubin, George
 Stone, Joseph
 Vaughn, Charles
 Woods, Deborah

STRAFFORD

Brown, George
 Dunlap, Patricia
 Hemon, Roland
 Knowles, William
 McGrath, J. Gregory
 Musler, George
 Rogers, Rose Marie
 Torr, Franklin
 Wasson, Richard

Callaghan, Frank
 Gilmore, Gary
 Hilliard, Dana
 Loder, Suzanne
 McKinley, Robert
 Nehring, William
 Snyder, Clair
 Torr, Ralph
 Wheeler, Katherine

Chagnon, Ronald
 Hambrick, Patricia
 Keans, Sandra
 Lundborn, Raymond
 Merrill, Amanda
 Pageotte, Donald
 Spear, Barbara
 Vincent, Francis

Douglass, Clyde
 Hashem, Elaine
 Kincaid, William
 McCann, William, Jr.
 Merritt, Deborah
 Pelletier, Arthur
 Torr, Ann
 Wall, Janet

SULLIVAN

Allison, David
 Flint, Gordon
 Palmer, Lorraine
 Stamatakis, Carol

Behrens, Thomas
 Holl, Ann
 Peyron, Fredrik

Burling, Peter
 Kane, Joan
 Rodeschin, Beverly

Cloutier, John
 Lindblade, Eric
 Schotanus, Merle

NAYS 35**BELKNAP**

Campbell, Richard, Jr.

Cogswell, Richard

CARROLL**CHESHIRE**

None

COOS

Harwell, Tyler

Merrill, Gerald

GRAFTON

Rose, William

HILLSBOROUGHAllen, W. Gordon
Jean, Loren
Reidy, FrankArnold, Thomas, Jr.
Leclerc, CharlesCalawa, Leon, Jr.
Lefebvre, RolandDyer, Merton
Peters, Stanley**MERRIMACK**Daneault, Gabriel
Teague, BertLanger, Ray
Ward, JayShaw, Randall
Whalley, MichaelStapleton, Henry
Willis, Jack**ROCKINGHAM**Campbell, Marilyn
Lovejoy, Marian
Smith, ArthurFesh, Robert
Noyes, Richard
St. Martin, TommyGorman, Donald
Rosencrantz, James
Stritch, C. DonaldKruse, Fred
Skinner, Patricia
Warburton, Calvin**STRAFFORD**

Sullivan, Henry

SULLIVAN

None

and the report was adopted.

Rep. Yeaton declared a conflict of interest and did not participate.

Reps. Marilyn Campbell and Cogswell voted nay and intended to vote yea.

HB 1264, increasing the membership of the board of barbering, cosmetology, and esthetics. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra K. Dowd for Executive Departments and Administration: The committee felt the seven-member composition of the Board has an adequate variation of members and does not need to be expanded. Vote 10-4.

Rep. Carol Moore moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Kathleen Ward spoke against and yielded to questions.

Rep. Weergang spoke against.

Rep. Copenhaver spoke in favor and yielded to questions.

On a division vote, 124 members having voted in the affirmative and 205 in the negative, the motion failed.

Report adopted.

HB 1181, relative to oral authorizations for interceptions of communications in certain emergencies. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin J. DePecol for Judiciary: While being sympathetic to the intent of the bill, the committee believes that the bill is too broad and that many of the concerns of the sponsor are already addressed in current law. Vote 14-4.

Adopted.

HB 1225, relative to access to medical care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: This bill, while expressly protecting the constitutional rights of persons who wish to protest, or express their views, will make it unlawful for anyone to harass, intimidate, or interfere with a person who seeks to enter a medical care facility. Vote 14-5.

Amendment (5251B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that:

I. The right of access to health care facilities for the purpose of obtaining or providing medical counseling and treatment is fundamental;

II. The exercise of a person's right to protest or counsel against certain medical procedures must be balanced against another person's right to obtain or provide medical counseling and treatment in an unobstructed manner; and

III. Guaranteeing a person's right of access to receive or provide medical counseling and treatment at a health care facility is essential.

2 New Section; Interference With Access to Medical Care. Amend RSA 633 by inserting after section 4 the following new section:

633:5 Interference With Access to Medical Care; Exception; Penalty.

I. In this section:

(a) "Health care facility" means any site, whether public or private:

(1) Which is licensed by the state under RSA 151.

(2) A licensed physician's office or anywhere a licensed medical practitioner provides health care services.

(3) A facility that provides counseling or referral services for reproductive health care.

(b) "Course of verbal or physical intimidation" means a pattern of conduct composed of acts on more than one occasion over a period of time, however short, evidencing a continuity of purpose.

II. A person is guilty of interfering with access to medical care if such person, acting alone or in concert with others, shall knowingly:

(a) Use force or the threat of force to prevent or discourage the provision of medical services;

(b) Obstruct, block, or physically impede a person from entering or exiting a health care facility;

(c) Render a health care facility temporarily or permanently unusable by employees or patients; or

(d) Engage in a course of verbal or physical intimidation directed at an individual or the individual's family which is intended to prevent the individual from, or punish the individual for, participating in the provision of or receipt of lawful medical services or the lawful refusal of medical services.

III. This section shall not apply to:

(a) Actions taken by a law enforcement officer or agent of a public utility acting within the scope of such officer's or agent's official authority; or

(b) Speech or expressive conduct protected by the First Amendment to the United States Constitution, and lawful picketing or peaceful assembly that does not interfere with access to health care facilities.

IV.(a) Any person who is convicted of a violation of this section shall be guilty of a class A misdemeanor.

(b) Any person convicted of a violation of this section and who has one or more prior convictions for violating this section or a similar law in another state, when the second or subsequent offense occurs within 7 years following the date of the first or prior offense, shall be guilty of a class B felony.

(c) Nothing in this section shall be deemed to preclude or limit prosecution for any other crime defined in title LXII.

(d) A person convicted of violating this section may be ordered to reimburse public agencies for all reasonable costs incurred in responding to the violations, including, but not limited to, salaries of law enforcement and other emergency personnel.

3 Effective Date. This act shall take effect January 1, 1995.

Rep. Lown spoke in favor and yielded to questions.

Rep. Cogswell spoke against.

Rep. Newman spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the amendment.

YEAS 258 - NAYS 79

YEAS 258

BELKNAP

Bartlett, Gordon
Hawkins, Robert

Cain, Thomas
Salatiello, Thomas

Dewhirst, Glenn
Turner, Robert

Hauck, William
Ziegra, Alice

CARROLL

Allard, Nanci
Lyman, L. Randy

Beach, Mildred
Philbrick, Donald

Bradley, Jeb
Wiggin, Gordon

Dickinson, Howard, Jr.

CHESHIRE

Avery, Stephen
Cole, Stacey
Kingsbury, H. Thayer
Pearson, Gertrude
Riley, William

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Perry, David
Robertson, Timothy

Burnham, Daniel
Delano, Robert
Manning, Joseph
Pratt, Irene
Russell, Ronald

Champagne, Richard
Hunt, John
Metzger, Katherine
Richardson, Barbara
Smith, Edwin

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Coulombe, Henry
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Gordon, Edward
Larson, Nils, Jr.
Wadsworth, Karen

Bean, Pamela
Copenhaver, Marion
Guest, Robert
Nordgren, Sharon

Below, Clifton
Cory, Elizabeth
Ham, Bonnie
Scanlan, David

Brown, Alson
Driscoll, William
Hill, Richard
Teschner, Douglass

HILLSBOROUGH

Allen, W. Gordon
Bagley, Amy
Clemons, Jane
Desrosiers, William
Dwyer, Patricia
Fields, Dennis
Gosselin, Gerald
Hanselman, Gregory
Jean, Claudette
Kurk, Neal
Lessard, Rudy
McCarthy, Winston
Milligan, Robert
Murphy, Robert
Packard, Bonnie
Reidy, Frank
Smart, John
Sullens, Joan
Upton, Barbara

Amidon, Eleanor
Buckley, Raymond
Cowenhoven, Garret
Drabinowicz, A. Theresa
Dyer, Merton
Foster, Linda
Greenberg, Gary
Hart, Nick
Johnson, Lionel
Lachut, Ervin
Lown, Elizabeth
McRae, Karen
Moore, Elizabeth
Nardi, Theodora
Perkins, Paul
Rodgers, G. Philip
Smith, Leonard
Tate, Joan
Vanderlosk, Stanley

Arnold, Barbara
Calawa, Leon, Jr.
Crotty, Edward
Drolet, Paul
Dykstra, Leona
Gage, Ruth
Haettenschwiller, Alphonse
Holt, Mark
Kelley, Dana
Laughlin, J. Francis
Lozeau, Donnalee
Mercer, Robert
Morello, Michael
O'Hearn, Jane
Peters, Stanley
Sallada, Roland
Soucy, Donna
Toomey, Kathryn
Weergang, Alida

Asselin, Robert
Cepaitis, Elizabeth
Daigle, Robert
Durham, Susan
Ferguson, Charles
Gervais, Glen
Hall, Betty
Hunter, Bruce
Kelley, Robert
Lefebvre, Roland
Martin, Mary Ellen
Messier, Irene
Morrisette, Roland
O'Rourke, Joanne
Record, Alice
Sargent, Maxwell
Stewart, Thomas
Turgeon, Roland

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Johnson, Joyce May
Nichols, Avis
Rogers, Katherine
Wallner, Mary Jane

Carter, Susan
Dunn, Miriam
Hager, Elizabeth
Langer, Ray
Owen, Derek
Shaw, Randall
Ward, Jay

Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Plaff, Terence
Teague, Bert
Whalley, Michael

Coughlin, Anne
Fillion, Paul
Hess, David
Moore, Carol
Regan, Maurice
Trombly, Rick
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Campbell, Marilyn
Clark, Martha

Battles, Marjorie
Case, Margaret
Clark, Vivian

Beaulieu, Jon
Caswell, Albert, Jr.
Coes, Betsy

Bell, Juanita
Christie, Andrew, Jr.
Conroy, Janet

Cote, Patricia
 Drake, Herbert
 Gargiulo, Louis
 Johnson, Robert
 Lee, Rebecca
 McKinney, Betsy
 Pratt, Katharin
 Rosencrantz, James
 Skinner, Patricia
 Syracuse, Anthony
 Woods, Deborah

Crossman, Harold, Jr.
 Fesh, Robert
 Groves, Bonnie
 Kane, Cecelia
 Lovejoy, Marian
 Newman, Rick
 Pullman, Robert
 Rubin, George
 St. Martin, Tommy
 Vaughn, Charles
 Yennaco, Carol

Crum, William, Jr.
 Flanders, John, Sr.
 Hurst, Sharleene
 Katsakiores, George
 MacDonald, Maurice
 O'Keefe, Patricia
 Putnam, Ed, II
 Schanda, Joseph, Sr.
 Stone, Joseph
 Warburton, Calvin

Dowling, Patricia
 Gage, Beverly
 Hutchinson, Karen
 Kruse, Fred
 McGovern, Cynthia
 Packard, Sherman
 Richards, David
 Senter, Merilyn
 Stritch, C. Donald
 Williamson, William

STRAFFORD

Brown, George
 Gilmore, Gary
 Hilliard, Dana
 Lundborn, Raymond
 Merritt, Deborah
 Pelletier, Arthur
 Sullivan, Henry
 Wheeler, Katherine

Chagnon, Ronald
 Hambrick, Patricia
 Keans, Sandra
 McCann, William, Jr.
 Musler, George
 Pelletier, Marsha
 Torr, Ann

Douglass, Clyde
 Hashem, Elaine
 Knowles, William
 McGrath, J. Gregory
 Nehring, William
 Rogers, Rose Marie
 Vincent, Francis

Dunlap, Patricia
 Hemon, Roland
 Loder, Suzanne
 Merrill, Amanda
 Pageotte, Donald
 Snyder, Clair
 Wall, Janet

SULLIVAN

Allison, David
 Holl, Ann
 Peyron, Fredrik

Burling, Peter
 Kane, Joan
 Schotanus, Merle

Cloutier, John
 Lindblade, Eric
 Stamatakis, Carol

Flint, Gordon
 Palmer, Lorraine

NAYS 79

BELKNAP

Campbell, Richard, Jr.
 Laflam, Robert
 Young, Niel

Golden, Paul
 Lawton, David

Holbrook, Robert
 Rice, Thomas, Jr.

Johnson, Carl
 Rosen, Ralph

CARROLL

Cogswell, Richard

Mock, Henry

Saunders, Howard

CHESHIRE

Royce, H. Charles

COOS

Foss, Frederic

GRAFTON

LaMott, Paul

HILLSBOROUGH

Ahern, Richard
 Borsa, Andrew
 Dodge, Emma
 Holley, Sylvia
 L'Heureux, Robert
 Riley, Frances
 Wheeler, Robert

Ahlgren, Madelyn
 Bowers, Dorothy
 Donovan, Francis
 Jasper, Shawn
 Leclerc, Charles
 Rothhaus, Finlay
 White, John

Arnold, Thomas, Jr.
 Burke, M. Virginia
 Gagnon, Eugene
 Jean, Loren
 Mittelman, David
 Searles, Stanley, Sr.

Bergeron, Lucien
 Chabot, Robert
 Holden, Carol
 Kirby, Thomas
 Pepino, Leo
 Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
 Houlahan, Thomas
 Whittemore, James

Chandler, John
 Kennedy, Richard
 Willis, Jack

Gilbreth, Robert
 Mitchell, Vernon

Holmes, Mary
 Stapleton, Henry

ROCKINGHAM

Arndt, Janet	Bove, Martin	Buco, Stephen	Chester, Sherman
Cote, Charles	Dowd, Sandra	Dube, LeRoy	Flanagan, Natalie
Gorman, Donald	Hazelton, Robert	Klemarczyk, Thaddeus	Malcolm, Kenneth
Miller, Don	Noyes, Richard	Raynowska, Bernard	Ritzo, Eugene
Smith, Arthur	Sytek, Donna	Sytek, John	Welch, David
Weyler, Kenneth			

STRAFFORD

Callaghan, Frank	McKinley, Robert	Spear, Barbara	Torr, Franklin
Torr, Ralph	Wasson, Richard		

SULLIVAN

Behrens, Thomas

and the amendment was adopted.

Reps. Royce, Wells and Mitchell voted nay and intended to vote yea.

Report adopted and ordered to third reading.

HB 1303, permitting the recording of communications with one party's consent and establishing a study committee to study the admissibility of lawfully acquired communications. **INEXPEDIENT TO LEGISLATE**

Rep. David C. Allison for Judiciary: This bill was voted Inexpedient to Legislate because some members recognized it to be an invasion of privacy; others saw the legislation as a potential harassment issue. Vote 15-1.

Adopted.

HB 1316, prohibiting discrimination based on genetic characteristics. **INEXPEDIENT TO LEGISLATE**

Rep. Edward M. Gordon for Judiciary: The Judiciary Committee found that there is substantial concern in regard to discrimination based upon the results of genetic testing. However, it did not believe that a broad revision of the anti-discrimination statute to include the category of "genetic characteristics" is warranted at this time. The committee has recommended that the issue of genetic testing be studied further within the context of House Bill 1423. Vote 12-4.

Adopted.

HB 1349, relative to representation of business organizations in small claims court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: This bill clarifies the procedure which allows corporations to designate an individual who is not an attorney to represent the corporation in small claims court. This bill is supported by several business organizations in New Hampshire. Vote 10-4.

Amendment (5367B)

Amend the bill by replacing all after the enacting clause with the following:

1 Representation of Business Organizations in Small Claims Court. Amend RSA 503:11 to read as follows:

503:11 Representation of Corporations and Other Business Organizations.

I. Notwithstanding RSA 311:11, and to the extent not inconsistent with court rules, an officer, employee, partner, owner or trustee, as applicable, of a corporation, partnership, *limited liability company*, or trust who presents written authorization and who is not an attorney but is appearing for the organization, may represent the organization in an action cognizable as a small claim under this chapter before a district or municipal court for the purposes of entering a plea or answer on behalf of the organization, or otherwise representing the organization during the course of the small claim proceeding.

II. The requirement for written authorization in paragraph I shall be met by a document, signed by a duly authorized [representative] *official* of the organization and containing a certificate of acknowledgment to the signature, authorizing the representation [by a particu-

lar individual in a particular matter], and acknowledging that the organization shall be bound by any agreement entered into by such individual or any order of the court in the matter. Any such written authorization shall be presented to the court under oath by the representative.

III. Nothing in this section shall prevent the court from denying representation by any individual it deems to be improper, inappropriate or unable to adequately represent the interests of the organization.

IV. "Duly authorized" as used in paragraph II shall mean:

(a) For a corporation, a resolution adopted by the board of directors.

(b) For a partnership, an authorization signed by [all] *a* general [partners] *partner*.

(c) For a trust, an authorization signed by [all trustees] *a trustee*.

(d) *For a limited liability company, an authorization signed by a member with management authority.*

V. The authorization of the duly authorized official by the organization may apply to all matters or may be limited to specific matters at the election of the organization.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows a member of a limited liability company with management authority to represent a limited liability company in small claims court, if such person obtains written authorization from the company.

Adopted.

Report adopted and ordered to third reading.

HB 1423, relative to genetic testing. REFER FOR INTERIM STUDY

Rep. Alice Barnard Record for Judiciary: The Committee believes that the genetic testing issue is so important for the public that it is advisable to send it to interim study to adequately cover all facets of the bill that need to be looked at before passage. Whereas, to put this bill into sub-committee for study now, and bring it back this session, wouldn't give the committee the necessary time to cover all current questions, relative to genetic testing now facing this committee, and as a consequence, having the bill killed on the floor. Vote 16-3.

Adopted.

HB 1470, relative to the eviction process. INEXPEDIENT TO LEGISLATE

Rep. Robert M. Gilbreth for Judiciary: This bill could deny some tenants the use of the court. It could be a denial of due process. This is because the contested rent must be paid before the tenant can be heard in court. Landlords could take advantage of the most vulnerable people. Vote 10-2.

Adopted.

HB 1486-FN, relative to preserving private property rights. INEXPEDIENT TO LEGISLATE

Rep. Rick G. Newman for Judiciary: The Committee believes this bill is far reaching in scope and could be extremely costly to the state. The bill requires compensation to individuals whose property is affected by any government action or regulation. Vote 11-3.

Adopted.

HB 1567-FN, relative to the medical fee schedule, businesses with 25 or more employees and other aspects of workers' compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Jay Ward for Labor, Industrial and Rehabilitative Services: The proposed amendment increases the Labor Commissioner's pay level to Group R and the Deputy Labor Commissioner to Group O. The committee felt the salaries for these positions needed to be upgraded. Vote 13-0.

Rep. Hawkins yielded to questions.

Rep. Pepino moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Reps. Hawkins and Turner spoke against and yielded to questions.

Rep. Warburton spoke against.

LAI D ON THE TABLE

Rep. Welch moved that **HB 1567-FN**, relative to the medical fee schedule, businesses with 25 or more employees and other aspects of workers' compensation, be laid upon the table.

Roll call request sufficiently seconded. The question being to lay HB 1567-FN on the table.

YEAS 209 - NAYS 131**YEAS 209****BELKNAP**

Bartlett, Gordon
Hawkins, Robert
Young, Niel

Cain, Thomas
Laffam, Robert
Ziegra, Alice

Dewhirst, Glenn
Lawton, David

Golden, Paul
Rice, Thomas, Jr.

CARROLL

Allard, Nanci
Lyman, L. Randy

Beach, Mildred
Saunders, Howard

Cogswell, Richard
Wiggin, Gordon

Dickinson, Howard, Jr.

CHESHIRE

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Richardson, Barbara

Burnham, Daniel
Delano, Robert
Manning, Joseph
Robertson, Timothy

Champagne, Richard
Hunt, John
McGuirk, Paul
Russell, Ronald

Cole, Stacey
Kingsbury, H. Thayer
Pratt, Irene

COOS

Foss, Frederic
Merrill, Gerald

Harwell, Tyler
Pratt, Leighton

Hawkinson, Marie

Horton, Lynn

GRAFTON

Adams, Carl
Gordon, Edward
Wadsworth, Karen

Bean, Pamela
Hill, Richard

Brown, Alson
LaMott, Paul

Crory, Elizabeth
Nordgren, Sharon

HILLSBOROUGH

Amidon, Eleanor
Bergeron, Lucien
Buckley, Raymond
Clemons, Jane
Donovan, Francis
Ferguson, Charles
Gosselin, Gerald
Jean, Loren
Lachut, Ervin
Martin, Mary Ellen
Messier, Irene
Murphy, Robert
Peters, Stanley
Rodgers, G. Philip
Smart, John
Sullens, Joan
Wells, Peter, Sr.

Arnold, Barbara
Bergeron, Normand
Burke, M. Virginia
Cowenhoven, Garret
Dwyer, Patricia
Fields, Dennis
Greenberg, Gary
Kelley, Robert
Leclerc, Charles
McCarty, Winston
Milligan, Robert
Nardi, Theodora
Philbrook, Paula
Sallada, Roland
Smith, Leonard
Toomey, Kathryn

Arnold, Thomas, Jr.
Borsa, Andrew
Calawa, Leon, Jr.
Daigle, Robert
Dyer, Merton
Foster, Linda
Holley, Sylvia
Kurk, Neal
Lessard, Rudy
McRae, Karen
Mittelman, David
O'Rourke, Joanne
Reidy, Frank
Sargent, Maxwell
Soucy, Donna
Vanderlosk, Stanley

Asselin, Robert
Bowers, Dorothy
Chabot, Robert
Desrosiers, William
Fenton, James
Gage, Ruth
Hunter, Bruce
L'Heureux, Robert
Lozeau, Donnalee
Mercer, Robert
Moore, Elizabeth
Pepino, Leo
Riley, Frances
Searles, Stanley, Sr.
Stewart, Thomas
Weergang, Alida

MERRIMACK

Braiterman, Thea
Coughlin, Anne
Hess, David
Langer, Ray
Owen, Derek
Shaw, Randall
Willis, Jack

Carter, Susan
Daneault, Gabriel
Holmes, Mary
Mitchell, Vernon
Pfaff, Terence
Stapleton, Henry
Yeaton, Charles

Chandler, Earle
Feuerstein, Martin
Johnson, Joyce May
Newland, Matthew
Regan, Maurice
Teague, Bert

Chandler, John
Hager, Elizabeth
Kidder, William
Nichols, Avis
Rogers, Katherine
Trombly, Rick

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Beaulieu, Jon	Bell, Juanita
Buco, Stephen	Campbell, Marilyn	Case, Margaret	Caswell, Albert, Jr.
Chester, Sherman	Christie, Andrew, Jr.	Clark, Vivian	Cote, Patricia
Crossman, Harold, Jr.	Dube, LeRoy	Flanagan, Natalie	Gage, Beverly
Groves, Bonnie	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Lee, Rebecca	Lovejoy, Marian	Malcolm, Kenneth	McGovern, Cynthia
Noyes, Richard	Packard, Sherman	Pullman, Robert	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ritzo, Eugene	Rosencrantz, James
Rubin, George	Senter, Marilyn	St. Martin, Tommy	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Sytek, John	Vaughn, Charles
Warburton, Calvin	Welch, David	Weyler, Kenneth	Yennaco, Carol

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Douglass, Clyde
Dunlap, Patricia	Hashem, Elaine	Keans, Sandra	Kincaid, William
Loder, Suzanne	McCann, William, Jr.	McGrath, J. Gregory	McKinley, Robert
Merrill, Amanda	Nehring, William	Pelletier, Marsha	Snyder, Clair
Sullivan, Henry	Torr, Franklin	Torr, Ralph	Vincent, Francis
Wall, Janet	Wasson, Richard		

SULLIVAN

Burling, Peter	Holl, Ann	Kane, Joan	Peyron, Fredrik
Stamatakis, Carol			

NAYS 131**BELKNAP**

Campbell, Richard, Jr.	Hauck, William	Holbrook, Robert	Johnson, Carl
Rosen, Ralph	Salatiello, Thomas	Turner, Robert	

CARROLL

Bradley, Jeb	Mock, Henry	Philbrick, Donald
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CHESHIRE

Avery, Stephen	Metzger, Katherine	Pearson, Gertrude	Perry, David
Riley, William	Royce, H. Charles	Smith, Edwin	

COOS

Bradley, Paula	Coulombe, Henry	Guay, Lawrence	Mayhew, Josephine
Mears, Edgar			

GRAFTON

Below, Clifton	Brown, Patricia	Copenhaver, Marion	Guest, Robert
Ham, Bonnie	Larson, Nils, Jr.	Rose, William	Scanlan, David
Teschner, Douglass			

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Bagley, Amy
Cepaitis, Elizabeth	Crotty, Edward	Dodge, Emma	Drabinowicz, A. Theresa
Drolet, Paul	Durham, Susan	Dykstra, Leona	Franks, Suzan
Gagnon, Eugene	Gervais, Glen	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Hart, Nick	Holden, Carol	Holt, Mark
Jasper, Shawn	Jean, Claudette	Johnson, Lionel	Kelley, Dana
Kirby, Thomas	Laughlin, J. Francis	Lown, Elizabeth	Morello, Michael
Morrisette, Roland	O'Hearn, Jane	Packard, Bonnie	Perkins, Paul
Plourde, Alphonse	Record, Alice	Rothhaus, Finlay	Tate, Joan
Turgeon, Roland	Upton, Barbara	Wheeler, Robert	White, John

MERRIMACK

Barberia, Richard
Hall, Douglas
Moore, Carol

Dunn, Miriam
Houlahan, Thomas
Ward, Jay

Fillion, Paul
Kennedy, Richard
Whalley, Michael

French, Barbara
Lockwood, Robert
Whittemore, James

ROCKINGHAM

Clark, Martha
Crum, William, Jr.
Fesh, Robert
Hazelton, Robert
Klemm, Arthur, Jr.
Miller, Don
Skinner, Patricia
Woods, Deborah

Coes, Betsy
Dowd, Sandra
Flanders, John, Sr.
Hurst, Sharleene
Kruse, Fred
O'Keefe, Patricia
Splaine, James

Conroy, Janet
Dowling, Patricia
Gargiulo, Louis
Kane, Cecelia
MacDonald, Maurice
Pratt, Katharin
Syracusa, Anthony

Cote, Charles
Drake, Herbert
Gorman, Donald
Klemarczyk, Thaddeus
McKinney, Betsy
Schanda, Joseph, Sr.
Williamson, William

STRAFFORD

Hambrick, Patricia
Lundborn, Raymond
Rogers, Rose Marie

Hemon, Roland
Merritt, Deborah
Spear, Barbara

Hilliard, Dana
Musler, George
Torr, Ann

Knowles, William
Pelletier, Arthur
Wheeler, Katherine

SULLIVAN

Allison, David
Lindblade, Eric

Behrens, Thomas
Palmer, Lorraine

Cloutier, John
Schotanus, Merle

Flint, Gordon

adopted and HB 1567-FN was laid on the table.

HB 1265-FN-L, allowing city treasurers to invest money belonging to the city in certain investment instruments. **OUGHT TO PASS**

Rep. Elizabeth A. Cepaitis for Municipal and County Government: This legislation expands the list of allowable investment instruments in which a city treasurer can invest excess operating funds. By limiting investment to those approved by the Public Deposit Investment Pool, the funds will remain as secure as they are at present. Vote 13-2.

Rep. Holbrook spoke against.

Rep. Cepaitis spoke in favor.

Adopted and ordered to third reading.

HB 1279-L, relative to taxpayer inventory forms and procedures. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Perry for Municipal and County Government: House Bill 1279 creates a mandate for the towns that do not now use the inventory form. Much of the information asked for by the bill is available elsewhere. Vote 14-2.

Rep. Langer spoke against.

Rep. Perry spoke in favor.

Adopted.

HB 1355, prohibiting sale of blue lights to persons who are not law enforcement officers and prohibiting police officers driving unmarked cars from apprehending motorists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Reps. Leo P. Pepino, George F. Brown, Glenn E. Dewhirst, John W. Flanders, Sr., Dennis H. Fields, Thomas C. Hemenway, Bruce F. Hunter, Robert H. Milligan, Richard A. Soucy, and Gordon E. Wiggin for the Majority of Public Protection and Veterans Affairs. The Committee reviewed extensive oral and written testimony and concluded that those few violators who unlawfully display blue lights and who unlawfully pose as law enforcement officers would not be deterred from their unlawful actions with the enactment of this legislation. Whereas, the law enforcement community - those who have a sworn duty and obligation to protect the lives and property of our citizens and of those who visit this State - would be seriously and detrimentally affected; thereby rendering our law enforcement community less able to provide the public protection we now have and expect. Vote 10-4

Rep. George R. Rubin for Public Protection and Veterans Affairs: The minority of the Committee contends that the prohibition of blue lights and wig-wag devices on other than official vehicles creates a safety problem for our citizens. There was enough testimony to resubmit for interim study.

Rep. Dykstra moved that the words Refer for Interim Study be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Welch spoke in favor.

Adopted and the substituted Committee report was adopted.

HB 1366, prohibiting the use of unmarked police vehicles at night. INEXPEDIENT TO LEGISLATE

Rep. Lucien Bergeron for Public Protection and Veterans Affairs: Testimony on this bill from supporters illustrated the problem from the point of view of female drivers in unpopulated areas of our state being flagged down by vehicles displaying blue lights. The question is, should such a driver stop in an isolated area when the vehicle is not a properly marked police vehicle? Testimony from police officers indicated that they are aware of the problem and if the driver wishes to proceed to a lighted or more populated area, most departments have addressed the procedure. Most officers who patrol in unmarked vehicles are not on traffic patrol and would notify a marked cruiser if a violation is noticed. In the absence of a marked cruiser, a stop will be made to insure the safety of other motorists. Vote 10-4.

Adopted.

HB 1479-L, requiring smoke detectors in buildings upon the sale or transfer of the buildings. OUGHT TO PASS WITH AMENDMENT

Rep. James J. Fenton for Public Protection and Veterans Affairs: The amendment replaces the entire bill and now requires that a seller of a building disclose to a buyer information relative to the existence of electronically operated, battery supported, smoke alarms and the condition thereof. The original bill would have required installation of smoke detectors at the point of sale. The amendment was viewed as an acceptable compromise. Vote 10-1.

Rep. Knowles moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Fenton spoke in favor.

Adopted and the substituted Committee report was adopted.

HB 1257, relative to the public use of beaches. OUGHT TO PASS WITH AMENDMENT
Reps. Howard C. Dickinson, Jr. and Deborah F. Merritt for Resources, Recreation and Development: HB 1257, as amended, represents the committee's efforts to resolve the long-standing controversy over who has what rights to the use of our coastal beaches. We believe that the public should be able to continue to use our beaches in the same manner as they always have, while at the same time respecting and recognizing the adjacent landowner's rights. HB 1257 recognizes a public easement for fishing, fowling, navigation and recreational uses on our coastal beaches where the public traditionally had access and additionally codifies existing case law regarding those coastal waters held in public trust by the State. We believe this will reflect in statute for the first time what has been occurring on our coastline in recent years. Vote 15-1.

Rep. Merritt moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Reps. Ritzo, Vaughn and Dickinson spoke in favor.

Rep. Hart spoke against.

Adopted and the substituted Committee report was adopted.

HB 1149, to require prompt public notification of radioactive releases and other safety related events at nuclear power plants. INEXPEDIENT TO LEGISLATE

Rep. Ralph J. Rosen for Science, Technology and Energy: The company has made a good first effort in establishing an information line to address the concerns of the Seacoast residents. Vote 6-3.

Adopted.

Rep. Musler declared a conflict of interest and did not participate.

HB 1393, relative to consumer choice in home television programming. MAJORITY: IN-EXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Karen K. McRae for the Majority of Science, Technology and Energy: It was with regret that the committee voted ITL. The concept presented in the bill had great merit but to define the terms, "vendor" and "channel" in the light of new technology was too difficult in the time allowed. As a policy committee, we will follow up on this bill and try to come up with a resolution of terms and definitions. Vote 7-3.

Rep. Sarah K. Bonneau for the Minority of Science, Technology and Energy: Because we feel consumer choice needs to be a priority and declared as such we would have preferred to see this bill studied further in committee and addressed by a date certain.

Majority report adopted.

HB 1397, relative to a limitation on telephone company release of telephone call records. OUGHT TO PASS WITH AMENDMENT

Rep. Karen K. McRae for Science, Technology and Energy: HB 1397, as amended, defines "communications records" and "communication services" and prevents dissemination of certain call records thereby assuring the customer's privacy. Vote 8-2.

Amendment (5313B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is the intent of the general court to protect the privacy of the communications records of the people of this state by limiting the uses to which such records may be put by providers of communications services.

2 New Paragraphs; Definitions Added. Amend RSA 570-B:1 by inserting after paragraph IV the following new paragraphs:

V. "Communications records" means data with respect to a named or otherwise identifiable individual that relate in any way to the use of a communications service by that individual.

VI. "Communications services" means services for transmitting, emitting, or receiving signs, signals, writing, images, sounds or intelligence of any nature by an electromagnetic system capable of 2-way communication and includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; channel services; telegraph services; teletypewriter services; cable television; computer exchange services; satellite services; cellular mobile telecommunications services; facsimile services; specialized mobile radio; stationary 2-way radio; paging services; or any other form, whether stationary, portable or mobile, of 2-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities, and whether originating and terminating within this state, or either originating or terminating outside this state, to the extent permitted under the constitution and statutes of the United States. "Communications services" shall not include:

(a) Private line services and networks, whether leased, rented or owned; or

(b) The one-way transmission of radio or television programming, by cable, broadcast, satellite, microwave or similar facility, which is made available generally to any person able to receive such transmission, together with the interaction, if any, of such person required for the selection of such programming other than by use of the same facility by which such transmission was received.

3 New Sections; Access to Telephone Call Record Limited; Damages. Amend RSA 570-B by inserting after section 7 the following new sections:

570-B:8 Access Limited. No provider of communications services shall sell, rent, trade, transfer, or in any way make available to any other person, or use itself, any communications record in such provider's possession for any purpose except in the following circumstances:

I. For billing purposes;

II. For an inquiry by an individual into such individual's own communications record;

III. For use with a service authorized by statute or approved by the public utilities commission;

IV. For law enforcement officials, as provided under any other provision of law;

V. For a listing of all subscribers to the provider's communication services; provided that each subscriber shall be informed of the list, the purposes for which it may be used, and the communications records to be included therein and, no less frequently than once in every calendar year, shall be given the option of excluding from the listing any or all such records that pertain to the subscriber.

570-B:9 Penalty. An aggrieved individual may bring a civil action against a provider of communications services under the provisions of RSA 570-B:8, if the provider knowingly releases a communications record. Any person who violates RSA 570-B:8 shall be liable to the aggrieved individual in an amount not to exceed \$1,000 for each violation and shall be responsible for court costs and reasonable legal fees of the complainant.

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill defines "communications records" and "communications services" and prohibits a telephone company from releasing telephone call records except under certain circumstances. Any person found guilty of violating this provision shall be liable to an aggrieved person in an amount not to exceed \$1,000 for each violation plus legal fees and costs.

Adopted.

Report adopted and ordered to third reading.

HCR 22, urging Congress to limit campaign spending and to keep unalterable records of its proceedings. **OUGHT TO PASS**

Rep. Tommy J. St. Martin for State-Federal Relations: This resolution urges Congress to adopt Constitutional Amendments including campaign spending limits, record keeping and salary approval from voters. These summarize key issues raised in term limit debates, and were supported by a member of United States Term Limits appearing before the Committee. Vote 10-2.

Adopted and ordered to third reading.

HCR 23, relative to the North American Free Trade Agreement. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence J. Guay for State-Federal Relations: The majority of the Committee agrees that we have to carefully watch and encourage our New Hampshire delegation to carefully look at the North American Free Trade Agreement. Additionally, the Committee feels that the agreement as written is being reviewed by our New Hampshire delegation, and we should wait until we hear their comments before passing resolutions. Vote 8-4.

Adopted.

HCR 26, rescinding the 1979 call for a federal constitutional convention. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence J. Guay for State-Federal Relations: This resolution, which would rescind New Hampshire's call for a balanced budget amendment, was introduced and defeated by the General Court in 1988, 1991, and 1992. After hearing two days of testimony, the Committee (including one sponsor) unanimously agreed that House Concurrent Resolution 26 should not pass. Senators Smith and Gregg, and Representatives Zeliff and Swett are on record in favor of the balanced budget amendment. It would be inappropriate to rescind our support for the measure at a time when the United States Senate and House will be voting on the balanced budget amendment. The federal deficit was less than one trillion dollars when New Hampshire called for a balanced budget amendment in 1979. That deficit is now greater than four and one half trillion dollars. The deficit continues to grow in the absence of the safeguard a balanced budget amendment will provide. Vote 12-0.

Rep. William Riley moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. William Riley requested a quorum count. The Speaker declared a quorum present.

(Rep. Cole in the Chair)

Rep. William Riley spoke in favor and yielded to questions.

Reps. Kennedy and Beverly Gage spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 99 - NAYS 231

YEAS 99

BELKNAP

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
Lynch, Margaret
Riley, William

Burnham, Daniel
McGuirk, Paul
Robertson, Timothy

DePecol, Benjamin
Pratt, Irene
Russell, Ronald

Kingsbury, H. Thayer
Richardson, Barbara

COOS

Bradley, Paula

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

GRAFTON

Copenhaver, Marion
Wadsworth, Karen

Crory, Elizabeth

Guest, Robert

Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard
Borsa, Andrew
Dwyer, Patricia
Hall, Betty
Leclerc, Charles
Morrisette, Roland
Reidy, Frank
White, John

Ahlgren, Madelyn
Clemons, Jane
Gage, Ruth
Hart, Nick
Lozeau, DonnaLee
Nardi, Theodora
Rothhaus, Finlay

Asselin, Robert
Daigle, Robert
Gosselin, Gerald
Jean, Claudette
Martin, Mary Ellen
O'Rourke, Joanne
Smith, Leonard

Bergeron, Normand
Drabinowicz, A. Theresa
Haettenschwiller, Alphonse
Kirby, Thomas
Milligan, Robert
Packard, Bonnie
Soucy, Donna

MERRIMACK

Braiterman, Thea
French, Barbara
Wallner, Mary Jane

Coughlin, Anne
Johnson, Joyce May
Ward, Jay

Daneault, Gabriel
Rogers, Katherine
Yeaton, Charles

Dunn, Miriam
Trombly, Rick

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Kruse, Fred
Splaine, James

Campbell, Marilyn
Crossman, Harold, Jr.
McGovern, Cynthia
St. Martin, Tommy

Caswell, Albert, Jr.
Groves, Bonnie
Rosencrantz, James
Vaughn, Charles

Clark, Martha
Hutchinson, Karen
Schanda, Joseph, Sr.

STRAFFORD

Chagnon, Ronald
Keans, Sandra
Merrill, Amanda
Rogers, Rose Marie

Hambrick, Patricia
Kincaid, William
Pageotte, Donald
Snyder, Clair

Hashem, Elaine
Loder, Suzanne
Pelletier, Arthur
Sullivan, Henry

Hemon, Roland
McGrath, J. Gregory
Pelletier, Marsha
Wheeler, Katherine

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Lindblade, Eric

Cloutier, John
Palmer, Lorraine

Holl, Ann
Stamatakis, Carol

NAYS 231

BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph
Ziegra, Alice

Cain, Thomas
Hauck, William
Laffam, Robert
Salatiello, Thomas

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Young, Niel

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Wiggin, Gordon

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Philbrick, Donald

Cogswell, Richard
Saunders, Howard

CHESHIRE

Avery, Stephen
Metzger, Katherine
Smith, Edwin

Delano, Robert
Pearson, Gertrude

Hunt, John
Perry, David

Manning, Joseph
Royce, H. Charles

COOS

Coulombe, Henry
Merrill, Gerald

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
LaMott, Paul
Teschner, Douglass

Bean, Pamela
Gordon, Edward
Larson, Nils, Jr.

Below, Clifton
Ham, Bonnie
Rose, William

Brown, Alson
Hill, Richard
Scanlan, David

HILLSBOROUGH

Allen, W. Gordon
Bagley, Amy
Burke, M. Virginia
Cowenhoven, Garret
Drolet, Paul
Fenton, James
Franks, Suzan
Hanselman, Gregory
Hunter, Bruce
Kelley, Dana
Lachut, Ervin
Lown, Elizabeth
Messier, Irene
Murphy, Robert
Peters, Stanley
Sallada, Roland
Sullens, Joan
Upton, Barbara
Wheeler, Robert

Amidon, Eleanor
Bergeron, Lucien
Calawa, Leon, Jr.
Crotty, Edward
Durham, Susan
Ferguson, Charles
Gagnon, Eugene
Holden, Carol
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis
McCarty, Winston
Mittelman, David
O'Hearn, Jane
Philbrook, Paula
Sargent, Maxwell
Tate, Joan
Vanderlosk, Stanley
Wright, George

Arnold, Barbara
Bowers, Dorothy
Cepaitis, Elizabeth
Desrosiers, William
Dyer, Merton
Fields, Dennis
Gervais, Glen
Holley, Sylvia
Jean, Loren
Kurk, Neal
Lefebvre, Roland
McRae, Karen
Moore, Elizabeth
Pepino, Leo
Record, Alice
Searles, Stanley, Sr.
Toomey, Kathryn
Weergang, Alida

Arnold, Thomas, Jr.
Buckley, Raymond
Chabot, Robert
Dodge, Emma
Dykstra, Leona
Foster, Linda
Greenberg, Gary
Holt, Mark
Johnson, Lionel
L'Heureux, Robert
Lessard, Rudy
Mercer, Robert
Morello, Michael
Perkins, Paul
Riley, Frances
Stewart, Thomas
Turgeon, Roland
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Hess, David
Kidder, William
Newland, Matthew
Shaw, Randall
Whittemore, James

Carter, Susan
Gilbreth, Robert
Holmes, Mary
Langer, Ray
Nichols, Avis
Stapleton, Henry
Willis, Jack

Chandler, Earle
Hager, Elizabeth
Houlahan, Thomas
Lockwood, Robert
Pfaff, Terence
Teague, Bert

Chandler, John
Hall, Douglas
Kennedy, Richard
Mitchell, Vernon
Regan, Maurice
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert
Flanders, John, Sr.

Arndt, Janet
Buco, Stephen
Clark, Vivian
Crum, William, Jr.
Dube, LeRoy
Gage, Beverly

Battles, Marjorie
Case, Margaret
Conroy, Janet
Dowd, Sandra
Fesh, Robert
Gorman, Donald

Beaulieu, Jon
Chester, Sherman
Cote, Charles
Dowling, Patricia
Flanagan, Natalie
Hurst, Sharleene

Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Senter, Merilyn
Stritch, C. Donald
Welch, David

Kane, Cecelia
Lee, Rebecca
McKinney, Betsy
Pratt, Katharin
Richards, David
Skinner, Patricia
Sytek, Donna
Weyler, Kenneth

Katsakiores, George
Lovejoy, Marian
Miller, Don
Pullman, Robert
Ritzo, Eugene
Smith, Arthur
Sytek, John
Woods, Deborah

Klemarczyk, Thaddeus
MacDonald, Maurice
Noyes, Richard
Putnam, Ed, II
Rubin, George
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

STRAFFORD

Brown, George
Knowles, William
Nehring, William
Torr, Ralph

Douglass, Clyde
McKinley, Robert
Spear, Barbara
Vincent, Francis

Dunlap, Patricia
Merritt, Deborah
Torr, Ann
Wall, Janet

Hilliard, Dana
Musler, George
Torr, Franklin
Wasson, Richard

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Flint, Gordon

Peyron, Fredrik

Rodeschin, Beverly

and the motion failed.
Report adopted.

HB 1208, creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters. **OUGHT TO PASS WITH AMENDMENT**

Reps. George N. Katsakiores and Thaddeus E. Klemarczyk for Transportation: With some probing by the Coast Guard and the National Association of Boating Laws Administrators, and New Hampshire presently a non-titled state, the Transportation Committee felt a study committee could make recommendations as to titling all undocumented motorized vessels in the future. Vote 12-1.

Amendment (4904B)

Amend the bill by replacing section 4 with the following:

4 Report. The committee shall make a report of its findings and recommendations for legislation on whether all undocumented motorized vessels in New Hampshire inland and coastal waters should be issued titles. The report shall be issued to the speaker of the house, the president of the senate, and the governor no later than November 1, 1994.

Adopted.

Rep. Malcolm offered a floor amendment.

Floor Amendment (5297B)

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

HB 1290-FN, changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Appropriations: The committee felt that the deputy bank commissioner should be compensated for his additional responsibility. In addition the treasurer should replace the banking commissioner as an ex officio voting member of the New Hampshire retirement board thereby negating a rather natural conflict of interest regarding the state investments. Vote 17-0.

Amendment (5366B)

Amend RSA 100-A:14, I as inserted by section 3 of the bill by replacing it with the following:

I. The administration of this system is vested in a board of 13 trustees. The [bank commissioner] *state treasurer* shall be an ex officio voting member of the board [but shall abstain from voting on the placement of funds in New Hampshire banks]. The governor and council shall appoint 2 trustees, to be known as non-member trustees, who shall be qualified persons with business experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified, except that the original appointment of one of the non-member trustees shall be for a term of one year. The remaining 10 members of the board shall consist of 2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who serves on the insurance committee and who shall be appointed annually by the senate president, and one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, and the New Hampshire state permanent firemen's association shall each annually nominate from their members a panel of 5 persons, all of whom shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall originally appoint 2 persons, and thereafter one annually to the board. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years, except that the original appointments of one of the persons from each panel shall be for a term of one year. Each member so appointed shall hold office until his successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees. The chairman, the senate member, the house member, and the 4 group I members shall constitute one subcommittee and the chairman, the senate member, the house member, and the 4 group II members shall constitute another subcommittee. Each subcommittee shall, relative to the members of their respective group, consider policy problems and make recommendations relative to the same to the board of trustees and make recommendations to the board of trustees concerning applications under the provisions of RSA 100-A:6. For the purposes of transacting any business, 4 members of a subcommittee shall constitute a quorum.

Adopted.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 236 - NAYS 87

YEAS 236

BELKNAP

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hauck, William	Hawkins, Robert	Holbrook, Robert
Johnson, Carl	Laflam, Robert	Lawton, David	Rosen, Ralph
Ziegler, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Cogswell, Richard	Dickinson, Howard, Jr.
Lyman, L. Randy	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Delano, Robert
Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Metzger, Katherine	Pearson, Gertrude	Perry, David
Pratt, Irene	Robertson, Timothy	Royce, H. Charles	Smith, Edwin

COOS

Bradley, Paula
Guay, Lawrence
Merrill, Gerald

Burns, Harold
Hawkinson, Marie

Coulombe, Henry
Horton, Lynn

Foss, Frederic
Mayhew, Josephine

GRAFTON

Adams, Carl
Brown, Patricia
Ham, Bonnie
Scanlan, David

Bean, Pamela
Copenhaver, Marion
LaMott, Paul
Teschner, Douglass

Below, Clifton
Gordon, Edward
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Alson
Guest, Robert
Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Cepaitis, Elizabeth
Dodge, Emma
Dykstra, Leona
Foster, Linda
Gosselin, Gerald
Holley, Sylvia
Johnson, Lionel
L'Heureux, Robert
Lefebvre, Roland
Mittelman, David
O'Hearn, Jane
Philbrook, Paula
Sallada, Roland
Stewart, Thomas
Turgeon, Roland
Wheeler, Robert

Allen, W. Gordon
Bergeron, Lucien
Chabot, Robert
Drolet, Paul
Fenton, James
Franks, Suzan
Greenberg, Gary
Holt, Mark
Kelley, Dana
Lachut, Ervin
Lown, Elizabeth
Moore, Elizabeth
O'Rourke, Joanne
Record, Alice
Sargent, Maxwell
Sullens, Joan
Upton, Barbara
White, John

Arnold, Barbara
Bowers, Dorothy
Crotty, Edward
Dwyer, Patricia
Ferguson, Charles
Gage, Ruth
Hanselman, Gregory
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis
McCarty, Winston
Murphy, Robert
Packard, Bonnie
Reidy, Frank
Searles, Stanley, Sr.
Tate, Joan
Vanderlosk, Stanley
Wright, George

Asselin, Robert
Calawa, Leon, Jr.
Desrosiers, William
Dyer, Merton
Fields, Dennis
Gagnon, Eugene
Holden, Carol
Jean, Claudette
Kirby, Thomas
Leclerc, Charles
Mercer, Robert
Nardi, Theodora
Pepino, Leo
Riley, Frances
Smith, Leonard
Toomey, Kathryn
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Daneault, Gabriel
Hager, Elizabeth
Johnson, Joyce May
Mitchell, Vernon
Teague, Bert
Whalley, Michael

Braiterman, Thea
Dunn, Miriam
Hall, Douglas
Kidder, William
Moore, Carol
Trombly, Rick
Whittemore, James

Chandler, Earle
Feuerstein, Martin
Hess, David
Langer, Ray
Newland, Matthew
Wallner, Mary Jane
Yeaton, Charles

Coughlin, Anne
French, Barbara
Houlahan, Thomas
Lockwood, Robert
Plaff, Terence
Ward, Jay

ROCKINGHAM

Battles, Marjorie
Buco, Stephen
Christie, Andrew, Jr.
Cote, Charles
Dowling, Patricia
Gorman, Donald
Katsakiores, George
Lee, Rebecca
McKinney, Betsy
Richards, David
Skinner, Patricia
Welch, David

Beaulieu, Jon
Campbell, Marilyn
Clark, Martha
Crossman, Harold, Jr.
Drake, Herbert
Groves, Bonnie
Klemarczyk, Thaddeus
Lovejoy, Marian
Miller, Don
Ritzo, Eugene
Stone, Joseph
Weyler, Kenneth

Bell, Juanita
Case, Margaret
Coes, Betsy
Crum, William, Jr.
Flanagan, Natalie
Hurst, Sharleene
Klemm, Arthur, Jr.
MacDonald, Maurice
Noyes, Richard
Rosencrantz, James
Sytek, Donna
Woods, Deborah

Bove, Martin
Caswell, Albert, Jr.
Conroy, Janet
Dowd, Sandra
Flanders, John, Sr.
Johnson, Robert
Kruse, Fred
Malcolm, Kenneth
Raynowska, Bernard
Senter, Marilyn
Vaughn, Charles
Yennaco, Carol

STRAFFORD

Chagnon, Ronald
Keans, Sandra

Dunlap, Patricia
Loder, Suzanne

Hashem, Elaine
McGrath, J. Gregory

Hemon, Roland
Merrill, Amanda

Merritt, Deborah
Pelletier, Marsha
Torr, Ann
Wheeler, Katherine

Musler, George
Snyder, Clair
Torr, Franklin

Pageotte, Donald
Spear, Barbara
Wall, Janet

Pelletier, Arthur
Sullivan, Henry
Wasson, Richard

SULLIVAN

Behrens, Thomas
Lindblade, Eric
Stamatakis, Carol

Flint, Gordon
Peyron, Fredrik

Holl, Ann
Rodeschin, Beverly

Kane, Joan
Schotanus, Merle

NAYS 87

BELKNAP

Rice, Thomas, Jr.

Turner, Robert

Young, Niel

CARROLL

Allard, Nanci

Philbrick, Donald

CHESHIRE

Richardson, Barbara

Riley, William

Russell, Ronald

COOS

Mears, Edgar

Pratt, Leighton

GRAFTON

Crory, Elizabeth

Hill, Richard

Rose, William

HILLSBOROUGH

Ahlgren, Madelyn
Borsa, Andrew
Cowenhoven, Garret
Gervais, Glen
Hunter, Bruce
Lozeau, Donnalee
Morello, Michael
Rodgers, G. Philip

Amidon, Eleanor
Buckley, Raymond
Daigle, Robert
Haettenschwiller, Alphonse
Jean, Loren
Martin, Mary Ellen
Morrisette, Roland
Rothhaus, Finlay

Arnold, Thomas, Jr.
Burke, M. Virginia
Drabinowicz, A. Theresa
Hall, Betty
Kurk, Neal
McRae, Karen
Perkins, Paul
Soucy, Donna

Bergeron, Normand
Clemons, Jane
Durham, Susan
Hart, Nick
Lessard, Rudy
Milligan, Robert
Peters, Stanley
Weergang, Alida

MERRIMACK

Carter, Susan
Rogers, Katherine

Holmes, Mary
Shaw, Randall

Kennedy, Richard
Stapleton, Henry

Nichols, Avis
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Cote, Patricia
Kane, Cecelia
Pullman, Robert
Smith, Arthur
Sytek, John

Arndt, Janet
Dube, LeRoy
McGovern, Cynthia
Putnam, Ed, II
Splaine, James
Warburton, Calvin

Chester, Sherman
Fesh, Robert
Packard, Sherman
Rubin, George
St. Martin, Tommy

Clark, Vivian
Hutchinson, Karen
Pratt, Katharin
Schanda, Joseph, Sr.
Stritch, C. Donald

STRAFFORD

Douglass, Clyde
Knowles, William
Torr, Ralph

Gilmore, Gary
McKinley, Robert
Vincent, Francis

Hilliard, Dana
Nehring, William

Kincaid, William
Rogers, Rose Marie

SULLIVAN

Burling, Peter

Palmer, Lorraine

and the amended Committee report was adopted.

SPECIAL ORDER

Rep. Pfaff moved that **HB 1160**, requiring certain questions pertaining to gambling to be included on the official ballot for the 1994 state general election, be made a Special Order for Tuesday, March 15, 1994.

On a division vote, 217 members having voted in the affirmative and 103 in the negative, the motion was adopted.

REGULAR CALENDAR (Cont'd.)

HB 1400, relative to providing pain relieving medication to individuals who are terminally ill. **OUGHT TO PASS**

Rep. Edward M. Gordon for Judiciary: This bill permits citizens to make an election regarding the administration of pain relieving medication on their living will declaration or durable power of attorney for health care. This will not effect documents executed prior to the adoption of this legislation. The bill allows citizens to make a clear expression of intent regarding future medical care. Vote 18-0.

Rep. Rose moved that the words ought to Pass with Amendment be substituted for the report of the Committee, Ought to Pass, spoke in favor and yielded to questions.

Reps. Gordon and Katherine Wheeler spoke against.

Rep. Cogswell spoke in favor.

On a division vote, 16 members having voted in the affirmative and 274 in the negative, the motion failed.

Rep. Stamatakis spoke in favor of the bill.

Adopted and ordered to third reading.

HB 1370, repealing the prohibition against including CWIP charges in a public utility's rate base. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clifton Below for Science, Technology and Energy: The Committee rejected the original title and intent of this bill, which was to repeal the Anti-CWIP statute, RSA 378:30-a, which excludes utility investment in construction work in progress from utility rate base until such time as plant is placed in service. The NH Supreme Court has found the Anti-CWIP statute to be a reaffirmation of the "used and useful" concept which has been part of the NH statutes since 1941. The committee amendment is very narrow in its scope allowing the PUC after a finding of public interest, to allow costs for certain facilities to be included in a utility's rate base, before they are "used and useful" if such costs are mandated by state or federal law, such as the Safe Drinking Water Act or other pollution control laws. Such costs are still subject to PUC prudence tests. Vote 10-0.

Amendment (5108B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing certain inclusions in a public utility's rate base.

I New Section; Public Utility Rate Base; Inclusions. Amend RSA 378 by inserting after section 30-c the following new section:

378:30-d Public Utility Rate Base; Inclusions.

I. Significant costs, including financing costs, incurred by a utility for engineering, design, and construction of facilities which are mandated by state and federal law may be included, in whole or in part, in a utility's rate base prior to the facilities' completion and operation at the discretion of the commission. Facilities so mandated may be exempted by the commission from the provisions of RSA 378:30-a, which excludes construction work in progress from a utility's rate base and RSA 378:27 which excludes from a utility's rate base any plant and equipment that is not yet used and useful in the public service subject to a finding by the commission that such an exemption is in the public interest. Facilities which are projected to cost more than 10 percent of a utility's rate base, or more than \$500,000, whichever is less, shall be considered significant.

II. Any utility mandated by state or federal law to construct new facilities shall notify the commission of the mandate and its proposal for compliance. The commission may include

in the utility's rate base, those costs actually incurred for engineering design and construction of facilities and may investigate cost data submitted as it deems necessary. Commission approval to include engineering and construction costs of federally and state mandated facilities shall not constitute a commission finding of prudence. The utility's prudence shall be evaluated as part of its next rate case and all such costs included in the rate base shall be subject to disallowance and recoupment at that time.

III. The provisions of this section shall not apply to Public Service Company of New Hampshire until the termination of the fixed rate period established pursuant to RSA 362-C. 2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the public utilities commission to allow a utility to include certain expenses in the utility's rate base which are incurred as a result of a construction project required by state or federal law.

Adopted.

Rep. Lucien Bergeron spoke against.

Rep. Below spoke in favor.

Report adopted and ordered to third reading.

HCR 28, issuing an ultimatum to the federal government regarding the national debt. IN-EXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for State-Federal Relations: HCR 28 provides that if 38 states vote to do so, each state shall have the option of becoming sovereign, independent and free of the federal government. The Committee recognizes the problem with the national debt, but feels that this is not the way to solve this problem. Vote 13-0.

SPECIAL ORDER

Rep. Gorman moved that **HCR 28**, issuing an ultimatum to the federal government regarding the national debt, be made a Special Order for Tuesday, March 15, 1994.

On a division vote, 151 members having voted in the affirmative, and 124 in the negative, the motion to Special Order was adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 15, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1300-FN-A, requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation.

HB 1580-FN-A, increasing the funds appropriated to finance the gubernatorial transition.

HB 1154, establishing a committee to study the feasibility of establishing a separate arbitration board for recreational vehicle defects.

HB 1222, requiring that recounts of certain secret ballot votes take place at the town or school district meeting.

HB 1238-L, relative to time computation for purposes of statutory construction.

HB 1318, relative to reporting requirements for elected officials.

HB 1566-FN, relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in places which are organized and which are not organized for voting, and relative to the declaration of intent form which must be filed by candidates.

HB 1180, modifying the arson statutes to include historic structures and increasing the penalty.

HB 1227, allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts and establishing priority rights as between such victim and the indemnifying entity.

HB 1237, making interference with the duty of a probation or parole officer a crime.

HB 1247, allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances.

HB 1293, amending the charter of the Union school district of Keene.

HB 1343, establishing a committee to examine the development of interactive communication systems among the public schools in the state.

HB 1581, establishing a committee to study the University of New Hampshire cooperative extension, and changing the name of the extension service to "University of New Hampshire cooperative extension."

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D.

HB 1124, extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county.

HB 1244, repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act and repealing certain provisions regarding witness testimony and admissibility of evidence.

HB 1369, requesting the judicial council to study issues regarding faxed documents.

HB 1477, changing the judicial district for Thompson and Meserve's Purchase.

HB 1216, allowing the exclusion of certain corporate officers and members of limited liability companies from workers' compensation coverage.

HB 1252, allowing mail claims in certain instances in filing for unemployment compensation, relative to disqualification for benefits due to self-employment, and relative to eligibility requirements for benefits.

HB 1262-FN, relative to the compensation for medical, hospital, and remedial care under workers' compensation.

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee.

HB 1410, relative to zoning board of adjustment rehearings.

HB 1476-L, relative to certain definitions under the environmental laws, municipal liability and the tax sale and lien process, and the liability of owners of hazardous waste facilities.

HB 1356-FN, relative to the duties of the members and the director of the state veterans council.

HB 1435, relative to the penalty for a second or subsequent offense for carrying a pistol or revolver without a license.

HB 1171, relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services.

HB 1240, permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water.

HB 1462-L, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems.

HB 1263-FN, authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority.

HB 1409, authorizing the public utilities commission to adopt rules relative to voluntary construction standards for compliance with increased energy efficiency standards.

HR 45, relative to cable television programming availability and retransmission consent.

HR 49, urging the general court to support federal legislation on consumer choice in cable and telephone service.

HJR 20, urging the Federal Highway Administration to include certain segments of U.S. Route 2 in the new "National Highway System."

HB 1472-FN, making an appropriation to the fund for domestic violence programs.

HB 1552-FN-L, relative to the certification of employer contributions by the retirement system board of trustees.

HB 1510-FN-L, relative to the availability of on-site foreign currency exchange.

HB 1161, relative to the authority of the state to regulate political advertising which is broadcast.

HB 1405, relative to voting and party membership.

HB 1426, relative to the placement of candidates' names on the ballot.

HB 1498-FN-L, relative to the type of voting machines with may be used in municipalities.

HB 1104, making a person who knowingly causes the death of a judicial officer guilty of capital murder.

HB 1105, limiting the suspension of sentences.

HB 1232, prohibiting annulments for certain crimes.

HB 1550, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

HCR 29, clarifying legislative intent on issues of local school board control.

HB 1108, relative to the appointment of members to the northeast interstate dairy compact commission and relative to the certification of milk laboratories.

HB 1121, repealing the standardbred breeders and owners development agency.

HB 1225, relative to access to medical care.

HB 1349, relative to representation of business organizations in small claims court.

HB 1265-FN-L, allowing city treasurers to invest money belonging to the city in certain investment instruments.

HB 1397, relative to a limitation on telephone company release of telephone call records.

HCR 22, urging Congress to limit campaign spending and to keep unalterable records of its proceedings.

HB 1208, creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters.

HB 1290-FN, changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.

HB 1400, relative to providing pain relieving medication to individuals who are terminally ill.

HB 1370, allowing certain inclusions in a public utility's rate base.

UNANIMOUS CONSENT

Rep. Trombly addressed the House.

Rep. Leonard Smith moved that the remarks of Rep. Trombly be printed in the Journal and that a copy of the Journal be sent to the Manchester Union Leader.

Adopted.

Rep. Trombly: Thank you Mr. Speaker and members of the House. I will be brief for two reasons, I am hungry and I have to go to the bathroom. I don't know which I want to do first.

Mr. Speaker I rise because two weeks ago in a statewide newspaper, I read a very interesting but incomplete article. That article listed members of the legislature who had been identified as receiving money in some form for some capacity from the State of New Hampshire. That list was compiled by the various state agencies at the request of an Executive Councilor. For what reason I don't know. None was given in the article and none has been forthcoming. Mr. Speaker, that article is incomplete because it didn't list me. As an attorney, I felt when I took the oath it was my responsibility to work for and at the request of those people who were not fortunate enough to afford counsel and represent themselves in these courts in the state. Therefore, I represent people who are indigent who are brought before the court system in child abuse and neglect cases and in CHINS cases. Mr. Speaker, this is no secret to anyone. But, I am offended. My dignity is offended and my belief in you, my colleagues, that we, together, can do things right and fair and just and in an open manner without innuendo, without unstated charges and inferences that somehow, if we are employed for or receive money from contracts with the State of New Hampshire that our judgment on issues that come before this body are tainted.

Mr. Speaker, two years ago I was appointed to help write the Ethics Rule for this body as was Rep. William Kidder, a person whose moral character is unchallenged in this House. We had to wrestle with the fact that the people of this state want and desire a citizen legislature. That requires that we allow everyone to serve and bring into it his and her experiences in life whether it is on a volunteer basis, in the military, in business or as an employee of a big company. We chose to enact ethics rules that said rather than prevent and eliminate people from running and serving their constituents. We felt that disclosure was more important. We live by those rules. Every single person that was contacted by that reporter must have felt the same way I felt when I was answering questions such as, isn't this a conflict? Isn't that a problem? Don't you benefit from this? I have a certain amount of experience answering those questions. I can only sympathize with those of you who had to go through that and don't have that experience. I want to tell you, Mr. Speaker, that everyone in this House, everyone, regardless of his or her party affiliation, from now back to when we enacted the ethics laws, no one has ever come and said, "How do I get around this?" "How do I avoid this?" Everyone in here has tried to maintain scrupulously compliance with those ethics rules. We have dealt with issues that have come before this body in an open and fair manner. I quite frankly resent serving in a body that is so upright and so forthright and in a body that is governed by ethics, unlike the institution to which the member belongs who made the allegation. Mr. Speaker, I feel that if any member of the public, whether or not a member of the legislative, judicial or executive branch, feels that any specific member has violated his duty of ethics, let them come forward and make the allegation. Let's stop this government of inference of wrongdoing or the appearance of conflict. If you have a complaint, make it and let's get on with it. If you don't, then let's not besmirch the good name of this House where good people try to do good deeds. Thank you, Mr. Speaker.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 6:00 p.m.

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 11

Tuesday, March 15, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of persistent justice make us aware of what You are doing in the world and help us to unite our wills to Your purposes. Inspire us with compassion so that we may resist the temptation of complacency and lift us beyond mere optimism into the possibilities of hope where we may dwell with patience and longing as citizens of the kingdom You are creating. Amen.

Rep. Gagnon led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Cole, Foss, Leclerc, O'Brien and Sargent, the day, illness.

Reps. Merritt, Russell, David Holt, C. William Johnson, Paul White, Avery, Joyce Johnson, Perry, Miller, Crum, Katherine Foster, William Riley, Richards, Vanderlosk, Kincaid, Ahlgren and Cogswell, the day, important business.

Rep. O'Rourke, the day, illness in the family.

SPECIAL ORDERS

HB 1160, requiring certain questions pertaining to gambling to be included on the official ballot for the 1994 state general election. **INEXPEDIENT TO LEGISLATE**

Rep. H. Thayer Kingsbury for Constitutional and Statutory Revision: The committee thinks that the gambling issue needs much more study before it is placed on the ballot. Vote 15-0.

Rep. Benjamin Moore moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Kingsbury spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 71 NAYS 247**YEAS 71
BELKNAP**

Lawton, David

Rice, Thomas, Jr.

CARROLL

Mock, Henry

Wiggin, Gordon

CHESHIRE

Hunt, John

COOS

Coulombe, Henry

Hawkinson, Marie

Merrill, Gerald

GRAFTON

Ham, Bonnie

Hill, Richard

Trelfa, Richard

HILLSBOROUGH

Arnold, Thomas, Jr.

Bagley, Amy

Bergeron, Lucien

Borsa, Andrew

Burke, M. Virginia

Clemons, Jane

Crotty, Edward

Dodge, Emma

Gage, Ruth

Hart, Nick

Hunter, Bruce

Jean, Claudette

Lachut, Ervin
Pepino, Leo
Rheault, Lillian
Turgeon, Roland

McCarty, Winston
Perkins, Paul
Rothaus, Finlay
Upton, Barbara

Milligan, Robert
Philbrook, Paula
Stewart, Thomas
Weergang, Alida

Murphy, Robert
Reidy, Frank
Toomey, Kathryn

MERRIMACK

Buessing, Marjorie
Owen, Derek

Langer, Ray

Mitchell, Vernon

Newland, Matthew

ROCKINGHAM

Beaulieu, Jon
Cote, Charles
Fesh, Robert
Hemenway, Thomas
Lovejoy, Marian
Rubin, George

Boucher, William
Crossman, Harold, Jr.
Flanders, David
Hurst, Sharleene
Moore, Benjamin
Schanda, Joseph, Sr.

Caswell, Albert, Jr.
Dowling, Patricia
Flanders, John, Sr.
Hutchinson, Karen
Raynowska, Bernard
Sytek, John

Chester, Sherman
Felch, Charles, Sr.
Gargiulo, Louis
Klemm, Arthur, Jr.
Rosencrantz, James

STRAFFORD

Brown, George
Vincent, Francis

Chagnon, Ronald

Pelletier, Arthur

Torr, Ralph

SULLIVAN

None

NAYS 247

BELKNAP

Bartlett, Gordon
Hauck, William
Rosen, Ralph
Ziegra, Alice

Campbell, Richard, Jr.
Holbrook, Robert
Smith, Linda

Dewhirst, Glenn
Johnson, Carl
Turner, Robert

Golden, Paul
Lafam, Robert
Young, Niel

CARROLL

Beach, Mildred
Foster, Robert

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Metzger, Katherine
Robertson, Timothy

Champagne, Richard
Manning, Joseph
Pearson, Gertrude
Royce, H. Charles

DePecol, Benjamin
McGuirk, Paul
Pratt, Irene
Smith, Edwin

Delano, Robert
McNamara, Wanda
Richardson, Barbara

COOS

Bradley, Paula
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Mears, Edgar

GRAFTON

Adams, Carl
Brown, Patricia
Driscoll, William
Larson, Nils, Jr.
Ward, Kathleen

Bean, Pamela
Chase, Paul, Jr.
Gordon, Edward
Rose, William

Below, Clifton
Copenhaver, Marion
Guest, Robert
Scanlan, David

Brown, Alson
Crory, Elizabeth
LaMott, Paul
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Andrews, Frederick
Bowers, Dorothy
Chabot, Robert
Daniels, Gary

Ahrens, Frederick
Arnold, Barbara
Buckley, Raymond
Cote, David
Desrosiers, William

Allen, W. Gordon
Asselin, Robert
Calawa, Leon, Jr.
Cowenhoven, Garret
Donovan, Francis

Amidon, Eleanor
Bergeron, Normand
Cepaitis, Elizabeth
Daigle, Robert
Drabinowicz, A. Theresa

Drolet, Paul
Fenton, James
Franks, Suzan
Hanselman, Gregory
Holt, Mark
Kelley, Dana
L'Heureux, Robert
Lown, Elizabeth
Mercer, Robert
Moore, Elizabeth
O'Hearn, Jane
Plourde, Alphonse
Searles, Stanley, Sr.
Sullens, Joan
White, John

Durham, Susan
Ferguson, Charles
Gervais, Glen
Healy, Daniel
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis
Lozeau, Donnalee
Messier, Irene
Morello, Michael
Packard, Bonnie
Record, Alice
Smith, Leonard
Tate, Joan
Wright, George

Dyer, Merton
Fields, Dennis
Gosselin, Gerald
Holden, Carol
Jean, Loren
Kirby, Thomas
Lefebvre, Roland
Martin, Mary Ellen
Mittelman, David
Morrisette, Roland
Paquette, Rodolphe
Riley, Frances
Soucy, Donna
Wells, Peter, Sr.

Dykstra, Leona
Foster, Linda
Haettenschwiller, Alphonse
Holley, Sylvia
Johnson, Lionel
Kurk, Neal
Lessard, Rudy
McRae, Karen
Moncrief, Keith
Nardi, Theodora
Peters, Stanley
Sallada, Roland
Soucy, Richard
Wheeler, Robert

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
Gilbreth, Robert
Houlahan, Thomas
Moore, Carol
Stapleton, Henry
Whittemore, James

Chandler, Earle
Feuerstein, Martin
Hager, Elizabeth
Kennedy, Richard
Nichols, Avis
Teague, Bert
Willis, Jack

Chandler, John
Fillion, Paul
Hall, Douglas
Kidder, William
Pfaff, Terence
Trombly, Rick
Yeaton, Charles

Coughlin, Anne
French, Barbara
Hess, David
Lockwood, Robert
Regan, Maurice
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Coes, Betsy
Dowd, Sandra
Gage, Beverly
Klemarczyk, Thaddeus
Malcolm, Kenneth
Noyes, Richard
Pratt, Katharin
Skinner, Patricia
Stritch, C. Donald
Welch, David

Arndt, Janet
Campbell, Marilyn
Conroy, Janet
Drake, Herbert
Johnson, Robert
Kruse, Fred
McGovern, Cynthia
O'Keefe, Patricia
Putnam, Ed, II
Smith, Arthur
Sytek, Donna
Weyler, Kenneth

Battles, Marjorie
Case, Margaret
Cote, Patricia
Dube, LeRoy
Kane, Cecelia
Lee, Rebecca
McKinney, Betsy
Packard, Sherman
Ritzo, Eugene
St. Martin, Tommy
Vaughn, Charles
Woods, Deborah

Blake, Daniel
Clark, Vivian
DiPietro, Carmela
Flanagan, Natalie
Katsakiores, George
MacDonald, Maurice
Newman, Rick
Pantelakos, Laura
Senter, Marilyn
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

STRAFFORD

Callaghan, Frank
Hashem, Elaine
Knowles, William
McKinley, Robert
Snyder, Clair
Torr, Franklin

Douglass, Clyde
Hemon, Roland
Loder, Suzanne
Nehring, William
Spear, Barbara
Wall, Janet

Dunlap, Patricia
Hilliard, Dana
Lundborn, Raymond
Pageotte, Donald
Sullivan, Henry
Wasson, Richard

Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Rogers, Rose Marie
Torr, Ann
Wheeler, Katherine

SULLIVAN

Allison, David
Domini, Irene
Palmer, Lorraine
Stamatakis, Carol

Behrens, Thomas
Flint, Gordon
Rodeschin, Beverly

Burling, Peter
Holl, Ann
Schotanus, Merle

Cloutier, John
Kane, Joan

and the motion failed.

Report adopted.

Reps. Barberia, Katherine Rogers, Syracuse and Teschner wished to be recorded in opposition.

Rep. McIlwaine wished to be recorded in favor.

HCR 28, issuing an ultimatum to the federal government regarding the national debt. IN-EXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for State-Federal Relations: House Concurrent Resolution 28 issues an ultimatum to the federal government regarding the national debt. It provides that if 38 states vote to do so, each state shall have the option of becoming sovereign, independent and free of the federal government. The Committee recognizes the problem with the national debt, but feels that this is not the way to solve this problem. Vote 13-0.

Rep. Borsa moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Holden spoke against and yielded to questions.

Rep. Rothhaus spoke in favor and yielded to questions.

Rep. Beverly Gage spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 39 NAYS 311**YEAS 39
BELKNAP**

Laffam, Robert

Lawton, David

Rice, Thomas, Jr.

Young, Niel

CARROLL

Mock, Henry

CHESHIRE

Royce, H. Charles

COOS

Harwell, Tyler

GRAFTON

McIlwaine, Deborah

Rose, William

HILLSBOROUGH

Arnold, Thomas, Jr.

Borsa, Andrew

Burke, M. Virginia

Fenton, James

Greenberg, Gary

Jean, Loren

Mittelman, David

Moncrief, Keith

Rheault, Lillian

Rothhaus, Finlay

Soucy, Richard

MERRIMACK

Kennedy, Richard

Mitchell, Vernon

Owen, Derek

Rogers, Katherine

ROCKINGHAM

Aranda, M. Kathryn

Battles, Marjorie

Beaulieu, Jon

Coes, Betsy

Flanders, David

Gorman, Donald

Hazelton, Robert

Rosencrantz, James

Smith, Arthur

Warburton, Calvin

Welch, David

Williamson, William

STRAFFORD

Callaghan, Frank

McKinley, Robert

Torr, Ralph

SULLIVAN

None

NAYS 311**BELKNAP**

Bartlett, Gordon

Cain, Thomas

Campbell, Richard, Jr.

Dewhirst, Glenn

Golden, Paul

Hauck, William

Hawkins, Robert

Holbrook, Robert

Johnson, Carl

Rosen, Ralph

Salatiello, Thomas

Smith, Linda

Turner, Robert

Ziegler, Alice

CARROLL

Beach, Mildred
Foster, Robert
Wiggin, Gordon

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

CHESHIRE

Bonneau, Sarah
Hunt, John
McNamara, Wanda
Richardson, Barbara

Champagne, Richard
Kingsbury, H. Thayer
Metzger, Katherine
Robertson, Timothy

DePecol, Benjamin
Manning, Joseph
Pearson, Gertrude
Smith, Edwin

Delano, Robert
McGuirk, Paul
Pratt, Irene
Young, David

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Coulombe, Henry
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Driscoll, William
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

Bean, Pamela
Chase, Paul, Jr.
Eaton, Stephanie
Hill, Richard
Scanlan, David
Ward, Kathleen

Below, Clifton
Copenhaver, Marion
Gordon, Edward
LaMott, Paul
Teschner, Douglass

Brown, Alson
Crory, Elizabeth
Guest, Robert
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Ahern, Richard
Andrews, Frederick
Bergeron, Lucien
Calawa, Leon, Jr.
Cote, David
Daniels, Gary
Drabinowicz, A. Theresa
Dyer, Merton
Foster, Linda
Gervais, Glen
Hart, Nick
Holt, Mark
Johnson, Lionel
Kurk, Neal
Lefebvre, Roland
Martin, Mary Ellen
Messier, Irene
Morrissette, Roland
Packard, Bonnie
Peters, Stanley
Reidy, Frank
Smith, Leonard
Tate, Joan
Weergang, Alida
Wright, George

Ahrens, Frederick
Arnold, Barbara
Bergeron, Normand
Cepaitis, Elizabeth
Cowenhoven, Garret
Desrosiers, William
Drolet, Paul
Dykstra, Leona
Franks, Suzan
Gosselin, Gerald
Healy, Daniel
Hunter, Bruce
Kelley, Dana
L'Heureux, Robert
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Murphy, Robert
Paquette, Rodolphe
Philbrook, Paula
Riley, Frances
Soucy, Donna
Toomey, Kathryn
Wells, Peter, Sr.

Allen, W. Gordon
Asselin, Robert
Bowers, Dorothy
Chabot, Robert
Crotty, Edward
Dodge, Emma
Durham, Susan
Ferguson, Charles
Gage, Ruth
Haettenschwiller, Alphonse
Holden, Carol
Jasper, Shawn
Kelley, Robert
Lachut, Ervin
Lown, Elizabeth
McRae, Karen
Moore, Elizabeth
Nardi, Theodora
Pepino, Leo
Plourde, Alphonse
Sallada, Roland
Stewart, Thomas
Turgeon, Roland
Wheeler, Robert

Amidon, Eleanor
Bagley, Amy
Buckley, Raymond
Clemons, Jane
Daigle, Robert
Donovan, Francis
Dwyer, Patricia
Fields, Dennis
Gagnon, Eugene
Hanselman, Gregory
Holley, Sylvia
Jean, Claudette
Kirby, Thomas
Laughlin, J. Francis
Lozeau, Donnalee
Mercer, Robert
Morello, Michael
O'Hearn, Jane
Perkins, Paul
Record, Alice
Searles, Stanley, Sr.
Sullens, Joan
Upton, Barbara
White, John

MERRIMACK

Barberia, Richard
Chandler, Earle
Feuerstein, Martin
Hager, Elizabeth
Houlahan, Thomas

Braiterman, Thea
Chandler, John
Fillion, Paul
Hall, Douglas
Kidder, William

Buessing, Marjorie
Coughlin, Anne
French, Barbara
Hess, David
Langer, Ray

Carter, Susan
Daneault, Gabriel
Gilbreth, Robert
Holmes, Mary
Lockwood, Robert

Moore, Carol
Regan, Maurice
Trombly, Rick
Whittemore, James

Newland, Matthew
Shaw, Randall
Wallner, Mary Jane
Willis, Jack

Nichols, Avis
Stapleton, Henry
Weeks, John, Jr.
Yeaton, Charles

Pfaff, Terence
Teague, Bert
Whalley, Michael

ROCKINGHAM

Arndt, Janet
Buco, Stephen
Christie, Andrew, Jr.
Cote, Charles
Dowd, Sandra
Felch, Charles, Sr.
Gargiulo, Louis
Hutchinson, Karen
Katsakiores, Phyllis
Lee, Rebecca
McGovern, Cynthia
Noyes, Richard
Pratt, Katharin
Ritzo, Eugene
Skinner, Patricia
Stritch, C. Donald
Vaughn, Charles

Blake, Daniel
Case, Margaret
Clark, Martha
Cote, Patricia
Dowling, Patricia
Flanagan, Natalie
Groves, Bonnie
Johnson, Robert
Klemarczyk, Thaddeus
Lovejoy, Marian
McKinney, Betsy
O'Keefe, Patricia
Pullman, Robert
Rubin, George
Splaine, James
Syracusa, Anthony
Weyler, Kenneth

Boucher, William
Caswell, Albert, Jr.
Clark, Vivian
Crossman, Harold, Jr.
Drake, Herbert
Flanders, John, Sr.
Hemenway, Thomas
Kane, Cecelia
Klemm, Arthur, Jr.
MacDonald, Maurice
Moore, Benjamin
Packard, Sherman
Putnam, Ed, II
Schanda, Joseph, Sr.
St. Martin, Tommy
Sytek, Donna
Woods, Deborah

Bove, Martin
Chester, Sherman
Conroy, Janet
DiPietro, Carmela
Dube, LeRoy
Gage, Beverly
Hurst, Sharleene
Katsakiores, George
Kruse, Fred
Malcolm, Kenneth
Newman, Rick
Pantelakos, Laura
Raynowska, Bernard
Senter, Merilyn
Stone, Joseph
Sytek, John
Yennaco, Carol

STRAFFORD

Brown, George
Gilmore, Gary
Keans, Sandra
McCann, William, Jr.
Nehring, William
Snyder, Clair
Torr, Franklin
Wheeler, Katherine

Chagnon, Ronald
Hashem, Elaine
Knowles, William
McGrath, J. Gregory
Pageotte, Donald
Spear, Barbara
Vincent, Francis

Douglass, Clyde
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Sullivan, Henry
Wall, Janet

Dunlap, Patricia
Hilliard, Dana
Lundborn, Raymond
Musler, George
Rogers, Rose Marie
Torr, Ann
Wasson, Richard

SULLIVAN

Allison, David
Flint, Gordon
Peyron, Fredrik
Stamatakis, Carol

Behrens, Thomas
Holl, Ann
Rodeschin, Beverly

Burling, Peter
Kane, Joan
Schotanus, Merle

Cloutier, John
Palmer, Lorraine

and the motion failed.
Report adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Bagley moved that the House reconsider its action whereby it refused to introduce **SB 595**, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day.

Rep. Burling spoke in favor.

Roll call request sufficiently seconded. The question being the motion to reconsider.

YEAS 140 - NAYS 212

YEAS 140

BELKNAP

Salatiello, Thomas

Smith, Linda

Turner, Robert

CARROLL

None

CHESHIRE

Bonneau, Sarah
Manning, Joseph
Richardson, Barbara

Champagne, Richard
Metzger, Katherine
Robertson, Timothy

DePecol, Benjamin
Pearson, Gertrude

Kingsbury, H. Thayer
Pratt, Irene

COOS

Bradley, Paula
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

Hawkinson, Marie

Horton, Lynn

GRAFTON

Below, Clifton
Driscoll, William
McIlwaine, Deborah

Chase, Paul, Jr.
Guest, Robert
Nordgren, Sharon

Copenhaver, Marion
Ham, Bonnie
Trelfa, Richard

Crory, Elizabeth
LaMott, Paul

HILLSBOROUGH

Allen, W. Gordon
Bergeron, Lucien
Cote, David
Drolet, Paul
Franks, Suzan
Hanselman, Gregory
Johnson, Lionel
Martin, Mary Ellen
Murphy, Robert
Plourde, Alphonse
Stewart, Thomas

Arnold, Barbara
Bergeron, Normand
Crotty, Edward
Durham, Susan
Gage, Ruth
Hart, Nick
Kelley, Robert
Moore, Elizabeth
Nardi, Theodora
Reidy, Frank
Sullens, Joan

Asselin, Robert
Borsa, Andrew
Donovan, Francis
Dwyer, Patricia
Gervais, Glen
Holley, Sylvia
Kirby, Thomas
Morello, Michael
Paquette, Rodolphe
Rothhaus, Finlay
Turgeon, Roland

Bagley, Amy
Buckley, Raymond
Drabinowicz, A. Theresa
Foster, Linda
Gosselin, Gerald
Jean, Claudette
Lown, Elizabeth
Morrisette, Roland
Perkins, Paul
Soucy, Donna
White, John

MERRIMACK

Braiterman, Thea
Fillion, Paul
Owen, Derek
Wallner, Mary Jane

Buessing, Marjorie
French, Barbara
Rogers, Katherine

Coughlin, Anne
Gilbreth, Robert
Teague, Bert

Daneault, Gabriel
Houlahan, Thomas
Trombly, Rick

ROCKINGHAM

Arndt, Janet
Christie, Andrew, Jr.
Gorman, Donald
Klemarczyk, Thaddeus
McKinney, Betsy
Splaine, James
Warburton, Calvin

Bell, Juanita
Clark, Martha
Groves, Bonnie
Lee, Rebecca
Newman, Rick
St. Martin, Tommy
Williamson, William

Case, Margaret
Crossman, Harold, Jr.
Hurst, Sharleene
Malcolm, Kenneth
O'Keefe, Patricia
Syracusa, Anthony

Caswell, Albert, Jr.
Gargiulo, Louis
Kane, Cecelia
McGovern, Cynthia
Pantelakos, Laura
Vaughn, Charles

STRAFFORD

Brown, George
Hashem, Elaine
Lundborn, Raymond
Musler, George
Snyder, Clair

Chagnon, Ronald
Hemon, Roland
McCann, William, Jr.
Pageotte, Donald
Torr, Ann

Dunlap, Patricia
Hilliard, Dana
McGrath, J. Gregory
Pelletier, Arthur
Wall, Janet

Gilmore, Gary
Loder, Suzanne
Merrill, Amanda
Rogers, Rose Marie
Wheeler, Katherine

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Flint, Gordon

NAYS 212**BELKNAP**

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph

Cain, Thomas
Hauck, William
Lafam, Robert
Young, Niel

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Ziegler, Alice

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.

CARROLL

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Mock, Henry

Dickinson, Howard, Jr.
Philbrick, Donald

CHESHIRE

Delano, Robert
Royce, H. Charles

Hunt, John
Smith, Edwin

McGuirk, Paul
Young, David

McNamara, Wanda

COOS

Coulombe, Henry

Guay, Lawrence

Merrill, Gerald

Pratt, Leighton

GRAFTON

Adams, Carl
Eaton, Stephanie
Rose, William
Ward, Kathleen

Bean, Pamela
Gordon, Edward
Scanlan, David

Brown, Alson
Hill, Richard
Teschner, Douglass

Brown, Patricia
Larson, Nils, Jr.
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Daigle, Robert
Dyer, Merton
Fields, Dennis
Healy, Daniel
Jasper, Shawn
L'Heureux, Robert
Lessard, Rudy
Mercer, Robert
Moncrief, Keith
Peters, Stanley
Riley, Frances
Soucy, Richard
Weergang, Alida

Ahrens, Frederick
Bowers, Dorothy
Chabot, Robert
Daniels, Gary
Dykstra, Leona
Gagnon, Eugene
Holden, Carol
Jean, Loren
Lachut, Ervin
Lozeau, Donnalee
Messier, Irene
O'Hearn, Jane
Philbrook, Paula
Sallada, Roland
Tate, Joan
Wells, Peter, Sr.

Amidon, Eleanor
Burke, M. Virginia
Clemens, Jane
Desrosiers, William
Fenton, James
Greenberg, Gary
Holt, Mark
Kelley, Dana
Laughlin, J. Francis
McCarty, Winston
Milligan, Robert
Packard, Bonnie
Record, Alice
Searles, Stanley, Sr.
Toomey, Kathryn
Wheeler, Robert

Andrews, Frederick
Calawa, Leon, Jr.
Cowenhoven, Garret
Dodge, Emma
Ferguson, Charles
Haettenschwiller, Alphonse
Hunter, Bruce
Kurk, Neal
Lefebvre, Roland
McRae, Karen
Mittelman, David
Pepino, Leo
Rheault, Lillian
Smith, Leonard
Upton, Barbara
Wright, George

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Holmes, Mary
Lockwood, Robert
Nichols, Avis
Stapleton, Henry
Willis, Jack

Carter, Susan
Hager, Elizabeth
Kennedy, Richard
Mitchell, Vernon
Pfaff, Terence
Weeks, John, Jr.
Yeaton, Charles

Chandler, Earle
Hall, Douglas
Kidder, William
Moore, Carol
Regan, Maurice
Whalley, Michael

Chandler, John
Hess, David
Langer, Ray
Newland, Matthew
Shaw, Randall
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Clark, Vivian
Cote, Patricia
Drake, Herbert
Flanagan, Natalie
Hazelton, Robert
Katsakiores, George
Lovejoy, Marian
Packard, Sherman
Raynowska, Bernard

Battles, Marjorie
Bove, Martin
Coes, Betsy
DiPietro, Carmela
Dube, LeRoy
Flanders, David
Hemenway, Thomas
Katsakiores, Phyllis
MacDonald, Maurice
Pratt, Katharin
Ritzo, Eugene

Beaulieu, Jon
Buco, Stephen
Conroy, Janet
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Hutchinson, Karen
Klemm, Arthur, Jr.
Moore, Benjamin
Pullman, Robert
Rosencrantz, James

Blake, Daniel
Chester, Sherman
Cote, Charles
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Johnson, Robert
Kruse, Fred
Noyes, Richard
Putnam, Ed, II
Rubin, George

Schanda, Joseph, Sr.
Stone, Joseph
Welch, David

Senter, Marilyn
Stritch, C. Donald
Weyler, Kenneth

Skinner, Patricia
Sytek, Donna
Woods, Deborah

Smith, Arthur
Sytek, John
Yennaco, Carol

STRAFFORD

Callaghan, Frank
McKinley, Robert
Torr, Franklin

Douglass, Clyde
Nehring, William
Torr, Ralph

Keans, Sandra
Spear, Barbara
Vincent, Francis

Knowles, William
Sullivan, Henry
Wasson, Richard

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Holl, Ann

Peyron, Fredrick

Rodeschin, Beverly

and reconsideration failed.

RECONSIDERATION

Having voted with the prevailing side, Rep. Searles moved that the House reconsider its action whereby it refused to introduce **SB 616**, relative to term limitations for members of Congress from New Hampshire.

Rep. Searles spoke in favor.

Roll call request sufficiently seconded. The question being the motion to reconsider.

YEAS 220 - NAYS 132

YEAS 220

BELKNAP

Bartlett, Gordon
Lawton, David
Turner, Robert

Cain, Thomas
Rice, Thomas, Jr.
Young, Niel

Dewhirst, Glenn
Salatiello, Thomas

Laflam, Robert
Smith, Linda

CARROLL

Bradley, Jeb
Wiggin, Gordon

Mock, Henry

Philbrick, Donald

Saunders, Howard

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Pratt, Irene
Young, David

Champagne, Richard
Manning, Joseph
Richardson, Barbara

DePecol, Benjamin
Metzger, Katherine
Robertson, Timothy

Hunt, John
Pearson, Gertrude
Smith, Edwin

COOS

Guay, Lawrence
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

Hawkinson, Marie

Horton, Lynn

GRAFTON

Adams, Carl
Driscoll, William
Larson, Nils, Jr.

Below, Clifton
Gordon, Edward
Nordgren, Sharon

Chase, Paul, Jr.
Ham, Bonnie
Rose, William

Copenhaver, Marion
LaMott, Paul
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Borsa, Andrew
Calawa, Leon, Jr.
Desrosiers, William
Durham, Susan
Foster, Linda
Gervais, Glen
Hart, Nick

Allen, W. Gordon
Asselin, Robert
Bowers, Dorothy
Cote, David
Dodge, Emma
Dykstra, Leona
Franks, Suzan
Gosselin, Gerald
Holley, Sylvia

Andrews, Frederick
Bergeron, Lucien
Buckley, Raymond
Crotty, Edward
Donovan, Francis
Fenton, James
Gage, Ruth
Greenberg, Gary
Holt, Mark

Arnold, Barbara
Bergeron, Normand
Burke, M. Virginia
Daniels, Gary
Drolet, Paul
Fields, Dennis
Gagnon, Eugene
Hanselman, Gregory
Hunter, Bruce

Jean, Claudette
Kelley, Robert
Lachut, Ervin
Lozeau, Donnalee
Mittelman, David
Morrisette, Roland
Pepino, Leo
Rheault, Lillian
Soucy, Donna
Tate, Joan

Jean, Loren
Kirby, Thomas
Laughlin, J. Francis
Martin, Mary Ellen
Moncrief, Keith
Murphy, Robert
Perkins, Paul
Rothhaus, Finlay
Soucy, Richard
Turgeon, Roland

Johnson, Lionel
Kurk, Neal
Lessard, Rudy
Mercer, Robert
Moore, Elizabeth
Nardi, Theodora
Plourde, Alphonse
Searles, Stanley, Sr.
Stewart, Thomas
Weergang, Alida

Kelley, Dana
L'Heureux, Robert
Lown, Elizabeth
Milligan, Robert
Morello, Michael
Paquette, Rodolphe
Reidy, Frank
Smith, Leonard
Sullens, Joan
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Daneault, Gabriel
Houlahan, Thomas
Owen, Derek
Trombly, Rick

Buessing, Marjorie
Dunn, Miriam
Kennedy, Richard
Rogers, Katherine

Chandler, John
Fillion, Paul
Langer, Ray
Shaw, Randall

Coughlin, Anne
French, Barbara
Mitchell, Vernon
Teague, Bert

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Case, Margaret
Conroy, Janet
Dube, LeRoy
Gargiulo, Louis
Hemenway, Thomas
Katsakiores, George
Lee, Rebecca
O'Keefe, Patricia
Rosencrantz, James
Smith, Arthur
Stritch, C. Donald
Welch, David

Arndt, Janet
Boucher, William
Chester, Sherman
Crossman, Harold, Jr.
Flanders, David
Gorman, Donald
Hurst, Sharleene
Katsakiores, Phyllis
Malcolm, Kenneth
Packard, Sherman
Rubin, George
Splaine, James
Syracusa, Anthony
Weyler, Kenneth

Battles, Marjorie
Bove, Martin
Christie, Andrew, Jr.
DiPietro, Carmela
Flanders, John, Sr.
Groves, Bonnie
Hutchinson, Karen
Klemarczyk, Thaddeus
McKinney, Betsy
Pantelakos, Laura
Senter, Marilyn
St. Martin, Tommy
Vaughn, Charles
Williamson, William

Bell, Juanita
Buco, Stephen
Clark, Martha
Drake, Herbert
Gage, Beverly
Hazelton, Robert
Kane, Cecelia
Klemm, Arthur, Jr.
Newman, Rick
Raynowska, Bernard
Skinner, Patricia
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

STRAFFORD

Brown, George
Gilmore, Gary
Lundborn, Raymond
Musler, George
Wasson, Richard

Callaghan, Frank
Hashem, Elaine
McGrath, J. Gregory
Rogers, Rose Marie
Wheeler, Katherine

Chagnon, Ronald
Hilliard, Dana
McKinley, Robert
Torr, Ann

Douglass, Clyde
Knowles, William
Merrill, Amanda
Torr, Ralph

SULLIVAN

Allison, David
Palmer, Lorraine

Burling, Peter
Peyron, Fredrik

Cloutier, John
Stamatakis, Carol

Kane, Joan

NAYS 132

BELKNAP

Campbell, Richard, Jr.
Holbrook, Robert

Golden, Paul
Johnson, Carl

Hauck, William
Rosen, Ralph

Hawkins, Robert
Ziegler, Alice

CARROLL

Beach, Mildred
Lyman, L. Randy

Chandler, Gene

Dickinson, Howard, Jr.

Foster, Robert

CHESHIRE

Delano, Robert

McGuirk, Paul

McNamara, Wanda

Royce, H. Charles

COOS

Bradley, Paula

Coulombe, Henry

Merrill, Gerald

Pratt, Leighton

GRAFTON

Bean, Pamela	Brown, Alson	Brown, Patricia	Crory, Elizabeth
Eaton, Stephanie	Guest, Robert	Hill, Richard	McIlwaine, Deborah
Scanlan, David	Teschner, Douglass	Wadsworth, Karen	Ward, Kathleen

HILLSBOROUGH

Ahern, Richard	Amidon, Eleanor	Bagley, Amy	Cepaitis, Elizabeth
Chabot, Robert	Clemons, Jane	Cowenhoven, Garret	Daigle, Robert
Drabinowicz, A. Theresa	Dwyer, Patricia	Dyer, Merton	Ferguson, Charles
Haettenschwiller, Alphonse	Healy, Daniel	Holden, Carol	Jasper, Shawn
Lefebvre, Roland	McCarty, Winston	McRae, Karen	Messier, Irene
O'Hearn, Jane	Packard, Bonnie	Peters, Stanley	Philbrook, Paula
Record, Alice	Riley, Frances	Sallada, Roland	Toomey, Kathryn
Upton, Barbara	Wheeler, Robert	White, John	Wright, George

MERRIMACK

Braiterman, Thea	Carter, Susan	Chandler, Earle	Feuerstein, Martin
Gilbreth, Robert	Hager, Elizabeth	Hall, Douglas	Hess, David
Holmes, Mary	Kidder, William	Lockwood, Robert	Moore, Carol
Newland, Matthew	Nichols, Avis	Pfaff, Terence	Regan, Maurice
Stapleton, Henry	Wallner, Mary Jane	Weeks, John, Jr.	Whalley, Michael
Whittemore, James	Willis, Jack	Yeaton, Charles	

ROCKINGHAM

Beaulieu, Jon	Caswell, Albert, Jr.	Clark, Vivian	Coes, Betsy
Cote, Charles	Cote, Patricia	Dowd, Sandra	Dowling, Patricia
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Johnson, Robert
Kruse, Fred	Lovejoy, Marian	MacDonald, Maurice	McGovern, Cynthia
Moore, Benjamin	Noyes, Richard	Pratt, Katharin	Pullman, Robert
Putnam, Ed, II	Ritzo, Eugene	Schanda, Joseph, Sr.	Sytek, Donna
Sytek, John	Woods, Deborah		

STRAFFORD

Dunlap, Patricia	Hemon, Roland	Keans, Sandra	Loder, Suzanne
Nehring, William	Pageotte, Donald	Pelletier, Arthur	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Torr, Franklin	Vincent, Francis
Wall, Janet			

SULLIVAN

Behrens, Thomas	Flint, Gordon	Holl, Ann	Rodeschin, Beverly
Schotanus, Merle			

and reconsideration prevailed.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that Senate Bill numbered 616, relative to term limitations for members of Congress from New Hampshire, shall be by this resolution read a first and second time and referred to the Committee on State-Federal Relations.

Reps. Houlahan and Kurk spoke in favor and yielded to questions.

Rep. Gilmore spoke in favor.

Reps. Hager and Donna Sytek spoke against.

Roll call request sufficiently seconded. The question being the introduction of SB 616.

Clerk's note: A 2/3 vote required under House Rule 34-b)

YEAS 203 - NAYS 143**YEAS 203****BELKNAP**

Bartlett, Gordon	Cain, Thomas	Dewhirst, Glenn	Johnson, Carl
Laflam, Robert	Lawton, David	Rice, Thomas, Jr.	Smith, Linda
Turner, Robert	Young, Niel		

CARROLL

Bradley, Jeb
Saunders, Howard

Foster, Robert
Wiggin, Gordon

Mock, Henry

Philbrick, Donald

CHESHIRE

Champagne, Richard
Manning, Joseph
Smith, Edwin

DePecol, Benjamin
Pearson, Gertrude
Young, David

Hunt, John
Pratt, Irene

Kingsbury, H. Thayer
Richardson, Barbara

COOS

Guay, Lawrence
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

Hawkinson, Marie

Horton, Lynn

GRAFTON

Adams, Carl
Ham, Bonnie
Rose, William

Below, Clifton
LaMott, Paul
Trelfa, Richard

Chase, Paul, Jr.
Larson, Nils, Jr.

Gordon, Edward
McIlwaine, Deborah

HILLSBOROUGH

Allen, W. Gordon
Asselin, Robert
Bowers, Dorothy
Cote, David
Dodge, Emma
Durham, Susan
Franks, Suzan
Gosselin, Gerald
Holley, Sylvia
Jean, Loren
Kurk, Neal
Lessard, Rudy
Mercer, Robert
Morello, Michael
Paquette, Rodolphe
Reidy, Frank
Searles, Stanley, Sr.
Stewart, Thomas
Weergang, Alida

Andrews, Frederick
Bergeron, Lucien
Buckley, Raymond
Crotty, Edward
Donovan, Francis
Dykstra, Leona
Gage, Ruth
Greenberg, Gary
Holt, Mark
Kelley, Dana
L'Heureux, Robert
Lown, Elizabeth
Milligan, Robert
Morrissette, Roland
Pepino, Leo
Rheault, Lillian
Smith, Leonard
Sullens, Joan
Wells, Peter, Sr.

Arnold, Barbara
Bergeron, Normand
Burke, M. Virginia
Daniels, Gary
Drabinowicz, A. Theresa
Fenton, James
Gagnon, Eugene
Hanselman, Gregory
Hunter, Bruce
Kelley, Robert
Lachut, Ervin
Lozeau, Donnalee
Mittelman, David
Murphy, Robert
Perkins, Paul
Rothhaus, Finlay
Soucy, Donna
Tate, Joan

Arnold, Thomas, Jr.
Borsa, Andrew
Calawa, Leon, Jr.
Desrosiers, William
Drolet, Paul
Foster, Linda
Gervais, Glen
Hart, Nick
Jean, Claudette
Kirby, Thomas
Laughlin, J. Francis
Martin, Mary Ellen
Moncrief, Keith
Nardi, Theodora
Plourde, Alphonse
Sallada, Roland
Soucy, Richard
Turgeon, Roland

MERRIMACK

Buessing, Marjorie
Daneault, Gabriel
Houlahan, Thomas
Shaw, Randall

Carter, Susan
Dunn, Miriam
Langer, Ray
Trombly, Rick

Chandler, John
Fillion, Paul
Mitchell, Vernon

Coughlin, Anne
French, Barbara
Rogers, Katherine

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Chester, Sherman
Cote, Charles
Dube, LeRoy
Gargiulo, Louis
Hemenway, Thomas
Katsakiores, Phyllis
Malcolm, Kenneth
Pantelakos, Laura
Smith, Arthur
Stritch, C. Donald
Weyler, Kenneth

Arndt, Janet
Boucher, William
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Flanders, David
Gorman, Donald
Hurst, Sharleene
Klemarczyk, Thaddeus
McGovern, Cynthia
Raynowska, Bernard
Splaine, James
Syracusa, Anthony
Williamson, William

Battles, Marjorie
Case, Margaret
Clark, Martha
DiPietro, Carmela
Flanders, John, Jr.
Groves, Bonnie
Hutchinson, Karen
Klemm, Arthur, Jr.
McKinney, Betsy
Rubin, George
St. Martin, Tommy
Warburton, Calvin
Yennaco, Carol

Bell, Juanita
Caswell, Albert, Jr.
Conroy, Janet
Drake, Herbert
Gage, Beverly
Hazelton, Robert
Kane, Cecelia
Lee, Rebecca
Newman, Rick
Senter, Marilyn
Stone, Joseph
Welch, David

STRAFFORD

Brown, George	Callaghan, Frank	Gilmore, Gary	Hilliard, Dana
Knowles, William	Lundborn, Raymond	McGrath, J. Gregory	Merrill, Amanda
Musler, George	Rogers, Rose Marie	Torr, Ralph	Wasson, Richard
Wheeler, Katherine			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Domini, Irene
Holl, Ann	Kane, Joan	Palmer, Lorraine	Peyron, Fredrik
Stamatakis, Carol			

NAYS 143**BELKNAP**

Campbell, Richard, Jr.	Golden, Paul	Hauck, William	Hawkins, Robert
Holbrook, Robert	Rosen, Ralph	Salatiello, Thomas	Ziegra, Alice

CARROLL

Beach, Mildred	Chandler, Gene	Dickinson, Howard, Jr.	Lyman, L. Randy
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CHESHIRE

Bonneau, Sarah	Delano, Robert	McGuirk, Paul	McNamara, Wanda
Robertson, Timothy	Royce, H. Charles		

COOS

Bradley, Paula	Coulombe, Henry	Merrill, Gerald	Pratt, Leighton
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GRAFTON

Bean, Pamela	Brown, Alson	Brown, Patricia	Copenhaver, Marion
Crory, Elizabeth	Driscoll, William	Eaton, Stephanie	Guest, Robert
Hill, Richard	Nordgren, Sharon	Scanlan, David	Teschner, Douglass
Wadsworth, Karen	Ward, Kathleen		

HILLSBOROUGH

Ahern, Richard	Ahrens, Frederick	Amidon, Eleanor	Bagley, Amy
Cepaitis, Elizabeth	Chabot, Robert	Clemons, Jane	Cowenhoven, Garret
Daigle, Robert	Dwyer, Patricia	Dyer, Merton	Ferguson, Charles
Haettenschwiller, Alphonse	Healy, Daniel	Holden, Carol	Jasper, Shawn
Johnson, Lionel	Lefebvre, Roland	McCarty, Winston	McRae, Karen
Messier, Irene	O'Hearn, Jane	Packard, Bonnie	Peters, Stanley
Philbrook, Paula	Record, Alice	Riley, Frances	Toomey, Kathryn
Upton, Barbara	Wheeler, Robert	White, John	Wright, George

MERRIMACK

Braiterman, Thea	Chandler, Earle	Feuerstein, Martin	Gilbreth, Robert
Hager, Elizabeth	Hall, Douglas	Hess, David	Holmes, Mary
Kidder, William	Lockwood, Robert	Moore, Carol	Newland, Matthew
Nichols, Avis	Owen, Derek	Pfaff, Terence	Regan, Maurice
Stapleton, Henry	Teague, Bert	Wallner, Mary Jane	Weeks, John, Jr.
Whalley, Michael	Whittemore, James	Willis, Jack	Yeaton, Charles

ROCKINGHAM

Beaulieu, Jon	Campbell, Marilyn	Clark, Vivian	Coes, Betsy
Cote, Patricia	Dowd, Sandra	Dowling, Patricia	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Johnson, Robert	Kruse, Fred
Lovejoy, Marian	MacDonald, Maurice	Moore, Benjamin	Noyes, Richard
O'Keefe, Patricia	Pratt, Katharin	Pullman, Robert	Putnam, Ed, II
Ritzo, Eugene	Rosencrantz, James	Schanda, Joseph, Sr.	Skinner, Patricia
Sytek, Donna	Sytek, John	Vaughn, Charles	Woods, Deborah

STRAFFORD

Chagnon, Ronald	Douglass, Clyde	Dunlap, Patricia	Hashem, Elaine
Hemon, Roland	Keans, Sandra	Loder, Suzanne	McCann, William, Jr.
McKinley, Robert	Nehring, William	Pageotte, Donald	Pelletier, Arthur
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Vincent, Francis	Wall, Janet	

SULLIVAN

Behrens, Thomas	Flint, Gordon	Rodeschin, Beverly	Schotanus, Merle
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and lacking the necessary two-thirds, the motion of introduction failed.
Reps. Barberia, Fields and Elizabeth Moore wished to be recorded in favor.

VACATE

Rep. Kidder moved that the House vacate the reference of **SB 668**, abolishing the New Hampshire retirement system special reserve account, to the Committee on Executive Departments and Administration.

Adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Jasper moved that the House reconsider its action whereby it introduced **SB 668**, abolishing the New Hampshire retirement system special reserve account.

Reconsideration lost.

(Clerk's Note: SB 668 was referred to Committee at a later date.)

COMMITTEE REPORTS**CONSENT CALENDAR**

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1152, requiring insurance companies to give discounts to drivers over 55 years who complete an approved driver safety course, was removed at the request of Rep. McCarty.

HB 1437, requiring members of certain professions to provide written notice to their clients or customers if such professionals do not carry malpractice insurance, was removed at the request of Rep. Burling.

HB 1209-FN, relative to administrative motor vehicle suspensions, was removed at the request of Rep. Richard Campbell.

HB 1525, relative to communications that constitute harassment, was removed at the request of Rep. Vivian Clark.

HR 47, adopting amendments to the house rule regarding capital spending legislation, was removed at the request of Rep. Harwell.

Consent Calendar adopted.

HB 1146-FN-L, relative to climate control upgrades for year-round schools. **INEXPEDIENT TO LEGISLATE**

Rep. Douglas E. Hall for Appropriations: The bill has a number of problems relating to fiscal issues. First, the 60% state aid would be in addition to that portion of existing school building aid that would be available for air conditioning as a portion of new building. Thus, a district could inadvertently obtain state aid at 115% of costs. Secondly, existing building aid is for capital costs only but this bill would seemingly cover interest costs as well. The Department of Education's assumptions regarding costs seem unwarranted, but new information was not forthcoming as promised. The committee feels all of these problems require us to kill this bill at this time. Perhaps a measure without these problems could be considered next year.
Vote 17-0.

HB 1183-FN-L, providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members. **OUGHT TO PASS**

Rep. Joanne A. O'Rourke for Appropriations: As of July 1, 1994, this bill grants all teachers who retired prior to July 1, 1957, a retirement allowance of \$10,350 per year. This is terminally funded from the Special Account and affects only three teachers who remain in the old retirement system. Vote 19-0.

HB 1325-FN, requiring the publication of an AIDS/HIV handbook. OUGHT TO PASS

Rep. Sharon L. Nordgren for Appropriations: This bill clarifies the current statute to bring the Division of Public Health into the process with the State Board of Education in the publishing of an AIDS/HIV education handbook. The information in the booklet is to be consistent with information provided by the National Commission on AIDS and the Center for Disease Control (CDC). CDC in the past has provided the funding for the publishing of this booklet. Therefore, we do not anticipate any charge to the general fund. Vote 16-1.

HB 1442-FN-A, relative to a real estate transfer questionnaire and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Appropriations: This bill, as amended, establishes a real estate transfer questionnaire for the Department of Revenue Administration to assist the department in determining the equalized value of locally-assessed properties. The act shall take effect July 1, 1995. Vote 19-1.

Amendment (5347B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a real estate transfer questionnaire.

Amend RSA 78-B:10-a as inserted by section 3 of the bill by inserting after paragraph IV the following new paragraph:

V. Any information provided under this section shall be confidential and shall be exempt from RSA 91-A, the right-to-know law, except to the extent it is made available by the department of revenue administration in a statistical form in which no individual or entity is identifiable. Notwithstanding this paragraph, all information collected pursuant to this section may be made available to any public official in connection with his official duties.

Amend the bill by replacing all after section 4 with the following:

5 Effective Date. This act shall take effect July 1, 1995.

AMENDED ANALYSIS

This bill requires that a real estate transfer questionnaire be filed with the department of revenue administration within 30 days after the recording of a deed evidencing the transfer of real property or within 30 days of the transfer, whichever is later. The purpose of the questionnaire is to assist the department in determining the equalized value of locally assessed properties.

HB 1518-A, appropriating funds for the design and construction of an easterly approach from the Scammel bridge to the Spaulding turnpike. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Appropriations: This bill authorizes the redesign and reconstruction of portion of Exit 6 on the Spaulding Turnpike at its intersection with NH Route 4 and Boston Harbor Road. The amendment makes available to the Governor and Council two options for funding: for immediate construction the \$1,000,000 may come from the issuance of "turnpike system revenue bonds;" or, if a decision is made by the Governor and Council to delay construction, could be transferred from existing projects under authority contained in RSA 237:2. Vote 20-0.

Amendment (5343B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from turnpike system revenue bonds.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Spaulding Turnpike; Exit 6 Redesign and Reconstruction. Amend RSA 237:2 by inserting after paragraph II-b the following new paragraph:

II-c. Redesign and reconstruct a portion of exit 6 on the Spaulding turnpike.

2 New Subparagraph; Funds Allocated. Amend RSA 237:7, I by inserting after paragraph (1) the following new subparagraph:

(m) Redesign and reconstruction of a portion of exit 6 on the Spaulding turnpike at its intersection with N.H. route 4 and Boston Harbor Road.
RSA 237:2, II-c. \$1,000,000

3 Turnpike System Revenue Bond Authorization Increased. Amend RSA 237-A:2 to read as follows:

237-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "turnpike system revenue bonds." The bonds may be issued from time to time for the purpose of financing the project costs of construction of any turnpike or of paying or refunding any bonds issued pursuant to RSA 237 or interest thereon. Any such bonds issued to pay or refund bonds issued pursuant to RSA 237 or interest thereon may be issued in sufficient amount to cover items described in RSA 237-A:7. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The bonds shall be issued by the treasurer in such amounts as the governor and council shall determine, not exceeding in the aggregate [\$550,000,000] **\$551,000,000**. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 40 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine.

4 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill requires the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from turnpike system revenue bonds.

HB 1535-FN-L, exempting certain vessels from the state vessel registration fee and the boat fee. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Appropriations: Under current state law RSA 72-A:2, federally-documented vessels used for saltwater fishing pay not only a registration fee to the U.S. Coast Guard, but also a state registration fee. This bill exempts documented vessels from paying the state registration fee. Also, owners of vessels used primarily for commercial fishing purposes in tidal and coastal waters must provide to the Department of Safety a notarized detailed document affirming that the vessel is so used. Vote 17-2.

HB 1551-FN-A, relative to the state's repayment of retirement costs for certain judicial branch employees and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Reps. Robert A. Johnson and Merle W. Schotanus for Appropriations: The committee felt this was an equity issue and that the state should reimburse the city of Franklin and Merrimack county for the state expense they paid. The amendment transfers funds within the fire tower PAU to cover a small shortfall in operating expenses. Vote 15-0.

Amendment (5376B)

Amend the title of the bill by replacing it with the following:

AN ACT

to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control.

Amend the bill by replacing section 3 with the following:

3 Forest Protection Bureau; Fire Control. Amend 1993, 349:1, 03, 03, 03, 02, 01, class 20 and class 51 to read as follows:

		<i>FY 1994</i>	<i>FY 1995</i>
20 Current expenses		[62,585] 72,585	[55,794] 75,794
51 Consultants-Benefited	G	[231,660] 221,660	[243,090] 223,090

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates \$4,426.64 to the city of Franklin and \$7,305.75 to Merrimack county for the fiscal year ending June 30, 1994, for the purpose of reimbursing the city and the county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases.

The bill also amends the appropriation in the state operating budget which is made to the division of forests and lands forest protection bureau for fire control relative to current expenses and consultants for fiscal years 1994 and 1995. The amendment does not change the overall total appropriated for fire control.

HB 1585-FN, consolidating administration of the bureau of risk management and the workers' compensation commission, relative to the board of claims, and abolishing the board of approval for state employee bonds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Appropriations: The committee felt the consolidation under the Commissioner of Administrative Services would be fiscally advisable and it would be further advisable to record the appropriate expense level in the budget to accommodate recoveries from the federal government. Vote 20-0.

Amendment (5356B)

Amend the title of the bill by replacing it with the following:

AN ACT

consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds.

Amend the bill by replacing section 16 with the following:

16 Reference Change from "RSA 281" to "RSA 281-A". Amend the following RSA provisions by replacing all references to "RSA 281" with "RSA 281-A": RSA 5-B:4; 21-I:23, VII; 99:2; 110-B:66; 200-F:1; and 235:37.

Amend the bill by replacing all after section 17 with the following:

18 Managed Care Programs; Authority for Payments. Amend RSA 21-I:24 to read as follows:

21-I:24 Authority for Payment.

I. The commissioner of administrative services is hereby authorized to pay such sum or sums as may be awarded to state employees under the provisions of RSA [281] **281-A**, and the expense of managed care programs authorized by RSA 281-A:23-a and similar services directly related to the provision and monitoring of workers' compensation benefits payable to state employees.

II. If the injured claimant was employed in a department or agency which has received a legislative appropriation for this purpose, the commissioner of administrative services shall charge said sum or sums to the legislative appropriation. In the event there are not sufficient

funds appropriated to the commissioner of administrative services to make payments hereunder, the governor upon request of the commissioner of administrative services is authorized to draw his warrant for such sums from any money in the treasury not otherwise appropriated; provided that payments made to employees paid from the highway fund shall be a charge upon said highway fund, that payments made to employees paid from the fish and game fund shall be a charge upon said fish and game fund, that payments made to employees paid from special funds shall be a charge upon said special funds, and that payments made to employees paid from other funds shall be a charge upon the general fund.

III. If federal regulations prohibit the direct assessment of payments made pursuant to RSA 21-I:24, I from otherwise applicable federal funds, said payments shall be a charge against the general fund in the first instance, but the commissioner of administrative services shall seek recovery of these payments in such amount and under such conditions as the federal regulations applicable to each affected agency may prescribe.

IV. If managed care program expenses, or other expenses directly related to the provision and monitoring of workers' compensation benefits payable to state employees, are procured by the payment of a group insurance premium or other risk shifting method, the commissioner of administrative services shall charge state agencies the cost of such general expenses in proportion to the number of agency employees who receive the services in question in the manner provided by RSA 21-I:24, II.

19 New Section; Procurement of Managed Care and Other Risk Shifting Services. Amend RSA 21-I by inserting after section 25 the following new section:

21-I:25-a Procurement of Managed Care and Other Risk Shifting Services. By following the procedures of RSA 21-I:28, the commissioner of administrative services, after consultation with the workers' compensation commission for state employees, may purchase managed care program services and similar services directly related to the provision and monitoring of workers' compensation benefits payable to state employees. Such services may be combined with one or more group health insurance contracts authorized by RSA 21-I:28.

20 Salary Abolished; Risk Management Administrator. Amend RSA 94:1-a, I by deleting in group K the following: risk management administrator.

21 Transfer of Fiscal Year 1994 Appropriation. On the effective date of this act, any balance remaining in the amount appropriated for fiscal year 1994 in PAU 01, 04, 02, 03, class 11, personal services - unclassified, shall lapse to class 50 - personal services - temporary of PAU 01, 04, 02, 03.

22 Redistribution of Bureau of Risk Management Funds. Amend 1993, 349:1, 01, 04, 02, 03 as follows:

	FY 1994	FY 1995
Strike out		
11 Personal services-unclassified	\$43,314	\$45,451
Insert		
50 Personal services-temporary	0	45,451

23 Reference Change. Amend RSA 281-A:5, IV to read as follows:

IV. In the case of employees of the state, compensation shall be made as provided in RSA 21-I:24 and [21-I:25] 21-I:25-a.

24 Repeal. The following are repealed:

I. RSA 21-I:25, relative to an exception for recovery of certain payments.

II. RSA 93-B:2, relative to the board of approval.

25 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill consolidates the administration of the bureau of risk management and the workers' compensation commission for state employees under the authority of the commissioner of administrative services, abolishing the position of risk management administrator.

The bill administratively attaches the board of claims to the department of administrative services. The board of approval for bonding of state officials and employees is abolished and references to the board are deleted.

The bill also changes the method of funding managed care benefits for state employees awarded workers' compensation benefits.

The bill corrects certain references to the workers' compensation act.

HB 1177, establishing an advisory committee on child care. OUGHT TO PASS WITH AMENDMENT

Rep. Deborah P. McIlwaine for Children, Youth and Juvenile Justice: With a number of bills concerning a variety of programs for children, the committee felt it very important to pass this bill to bring a widely representative group together to: (a) review both federal and state regulations, (b) provide a forum to receive information, and (c) propose an annual state plan for child care improvement. Vote 14-0.

Amendment (4705B)

Amend RSA 126-A:10-d, II as inserted by section 2 of the bill by inserting after subparagraph (l) the following new subparagraphs:

(m) The president of the New Hampshire chapter of the American Academy of Pediatrics, or designee.

(n) One representative of the department of education, appointed by the commissioner of education.

HB 1429-L, exempting municipal recreation programs from day care licensing requirements. OUGHT TO PASS WITH AMENDMENT

Rep. Janet S. Arndt for Children, Youth and Juvenile Justice: This bill reinstates the exemption for municipal recreation programs from state child day care licensing regulation. The amendment will establish a committee to study future directions for New Hampshire child care licensing policies. Vote 14-0.

Amendment (5412B)

Amend the title of the bill by replacing it with the following:

AN ACT

exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

Amend the bill by replacing all after section 1 with the following:

2 Committee Established; Purpose; Membership. A committee is established to study future directions for New Hampshire child care licensing policies. The committee shall consist of the following members:

- I. Two members of the senate, appointed by the senate president.
- II. Two members of the house of representatives, appointed by the speaker of the house.
- III. Two representatives from the department of health and human services, appointed by the commissioner.
- IV. The chairperson of the New Hampshire child care advisory committee, or designee.
- V. The New Hampshire coordinator for school-age child care, or designee.
- VI. The chief of community recreation, New Hampshire division of parks and recreation, or designee.
- VII. The executive secretary of the New Hampshire Boys and Girls Clubs Area Council, or designee.
- VIII. The president of the New Hampshire Parks and Recreation Association, or designee.
- IX. A postsecondary professor of early childhood education, appointed by the executive director of the postsecondary education commission.
- X. A parent whose child is presently involved in child care services or related programs, appointed by the governor.
- XI. A representative of the YMCA, appointed by the chairperson of the Executive Cabinet of the Granite State Cluster of YMCAs.
- XII. A representative of the New Hampshire Child Care Association, appointed by the association.
- XIII. A representative of the New Hampshire Municipal Association, appointed by the association.

XIV. A representative of the New Hampshire Association for the education of Young Children, appointed by the association.

3 Duties; Report. The committee shall:

I. Study the issue of exemptions from child care licensing regulations.

II. Study the variety of child care programs presently operating in New Hampshire and make recommendations for classifying these programs for regulatory purposes.

III. Provide recommendations for appropriate legislation relating to child care licensing regulation.

IV. Issue a report including recommendations for appropriate legislation. The report shall be submitted to the governor, the president of the senate, the speaker of the house, and the state board of education no later than November 1, 1994.

4 Meetings; Chairperson.

I. The first-named member of the house shall call the first meeting within 30 days of the effective date of this act.

II. A chairperson shall be elected by the members of the committee.

III. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that municipal recreation programs shall be exempt from state child day care licensing regulation and establishes a committee to study future directions for state child care licensing policies and regulations.

HB 1465, relative to the statute of limitations for filing a civil action alleging child abuse and establishing a study committee on actions for civil damages arising out of sexual and physical assault on children. REFER FOR INTERIM STUDY

Rep. Deborah L. Woods for Children, Youth and Juvenile Justice: With the complex issues involved in dealing with this bill, the committee was unanimous in its decision to refer to interim study. This is NOT a decision to kill the bill. We believe this is the best solution at this time. Vote 14-0.

HB 1115, making a violation of RSA 205-A:2 an unfair trade practice. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: In addition to any other penalties under law, this bill makes a violation of RSA 205-A:2 relative to duties of an owner or operator of a manufactured housing park an unfair trade practice within the meaning of RSA 358-A. However, an individual claimant shall only be entitled to relief under RSA 205-A:12-a or the Consumer Protection Act. Vote 17-0.

Amendment (5419B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to violations of RSA 205-A.

Amend the bill by replacing all after the enacting clause with the following:

1 District Court. Amend RSA 205-A:12-a to read as follows:

205-A:12-a Civil Penalty. In addition to other remedies allowed by law, a manufactured housing park owner may be assessed *by a district court* a civil penalty of \$500 and other reasonable damages for any violation of RSA 205-A:2.

2 New Sections; Unfair Trade Practice. Amend RSA 205-A by inserting after section 13 the following new sections:

205-A:13-a Unfair Trade Practice. Any violation of the provisions of RSA 205-A:2 shall also constitute an unfair trade practice within the meaning of RSA 358-A and may be enforced as provided RSA 358-A.

205-A:13-b Remedy for Complainant. An individual complainant shall only be entitled to relief under RSA 205-A:12-a or RSA 205-A:13-a.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

In addition to any other penalties under law, this bill makes a violation of RSA 205-A:2, relative to the duties of an owner or operator of a manufactured housing park, an unfair trade practice within the meaning of RSA 358-A. However, an individual claimant shall only be entitled to relief under RSA 205-A:12-a or the consumer protection act.

HB 1125, permitting collection agencies to accept assignments of debts. **INEXPEDIENT TO LEGISLATE**

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: This bill is unnecessary since collection agencies can already bring suit in their own name, if there has been a legitimate assignment of the debt. Where there is no legitimate assignment, it would give collection agencies rights no other parties have and shift costs to other parties. Vote 12-0.

HB 1159, requiring manufactured housing park owners to compensate residents for relocation costs due to change in land use of the park. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill requires manufactured housing park owners to compensate residents for relocation costs if there is a change in use of the land. Vote 12-1.

Amendment (5423B)

Amend RSA 205-A:4-b as inserted by section 1 of the bill by replacing it with the following:

205-A:4-b Displacement of Residents Due to Change in Land Use; Relocation Expenses and Compensatory Payments.

I. A manufactured housing park resident who owns a manufactured home and is required to remove the home from the park because of a change in use of the land on which the manufactured housing is located shall be entitled to receive from the manufactured home park owner:

(a) Relocation expenses to a manufactured housing park satisfactory to the resident within 20 miles of the existing park site up to a maximum of \$3,000; or

(b) In the event a satisfactory site is not available onto which the manufactured housing may be relocated, the sum of \$3,000.

II. For the purposes of this section "relocation expenses" means the cost of moving the home in the condition in which it was purchased and does not include any additions to the home.

III. The owner of a manufactured housing park who intends to close the park shall notify the tenants in accordance with RSA 205-A:3, III and shall notify, in writing, the consumer protection and antitrust bureau of the department of justice and the chief elected official in the town in which the park is located at least 90 days prior to refusing to renew any leases because of the impending closing, or on any earlier date the owner gives any notice of the closing of the park as may be required by law.

IV. This section shall not be construed to mean that the manufactured housing park owner is required to find a new housing park for the tenant being displaced.

HB 1234, allowing condominium unit owners to post "for sale" or "for lease" signs inside their condominium. **INEXPEDIENT TO LEGISLATE**

Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs: A majority of condominium associations have rules filed with the Attorney General's office against signs in or on units. If the owners desire to allow signs, they can implement it. Vote 13-0.

HB 1292, requiring certain disclosure during recruitment by multi-level or network marketing businesses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill requires multi-level or networking marketing recruiters to reveal at the time of initial recruitment the name of the corporation or organization represented and also the products sold by said corporation or organization. Vote 14-1.

Amendment (5213B)

Amend RSA 358-O:2 as inserted by section 1 of the bill by replacing it with the following: 358-O:2 Disclosure Required. Any person engaged in multi-level or network marketing shall, when inviting others to a recruitment meeting or seminar to become distributors, disclose the identity of the corporation or organization and the product line the person represents.

AMENDED ANALYSIS

This bill requires that persons engaged in multi-level or network marketing disclose certain information when inviting others to recruitment seminars. "Multi-level or network marketing" means a system in which products are marketed through a chain of salespersons who invest in the company and recruit other persons.

HB 1309, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill, as amended, is intended to produce a fairer playing field for insured motorists who are involved in an accident and whose automobiles need to be repaired. Vote 15-0.

Amendment (5488B)

Amend RSA 417:4, XX(b) and (c) as inserted by section 1 of the bill by replacing them with the following:

(b) No such insurance company, agent or adjuster shall engage in any act or practice of intimidation, coercion, threat, for or against any such insured person or entity to use such a particular company or location to provide such services or products.

(c) Nothing shall prohibit any insurance company, agent or adjuster from providing to such insured person or entity the name of an automobile repair shop with which arrangements may have been made with respect to automobile repair prices or services. If a name is provided, there must be disclosure by the insurance company, agent or adjuster to the insured person or entity that any other automobile repair shop or location may be used at the discretion of the insured person or entity. However, the insurer may limit payment for such work based on the fair and reasonable price in the area by repair shops or facilities providing similar services with the usual and customary guarantees as to materials and workmanship.

AMENDED ANALYSIS

This bill makes it an unfair insurance trade practice for insurance companies to require that automobile repairs be made at specific repair shops. The bill permits insurance companies to provide the name of an automobile repair shop with which arrangements have been made with respect to automobile repair prices or services to an insured person or entity.

HB 1337, relative to designating a managing broker in a real estate branch office in the event of a vacancy. **OUGHT TO PASS**

Rep. Patricia C. Dunlap for Commerce, Small Business and Consumer Affairs: This bill is a recodification of the real estate laws adopted last year and provides housekeeping language to close a small loophole not previously covered in the event of a vacancy in the position of a managing broker of a real estate branch office. It allows the issuance of a temporary license to a licensed real estate broker to serve in that capacity for a period not to exceed one year from the date of the vacancy. Vote 12-0.

HB 1339, relative to the bank boards of directors or trustees. **OUGHT TO PASS**

Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs: This bill will permit the board of directors or trustees of a bank or trust company to delegate certain duties to an officer or committee authorized by the board and pursuant to policies approved by the board. This will allow state chartered banks the flexibility in decision making presently allowed to federally chartered banks. Vote 12-0.

HB 1357, requiring that any company engaged in the business of leasing motor vehicles provide full disclosure of all aspects of a lease agreement to a potential purchaser. **REFER FOR INTERIM STUDY**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: The committee feels that this subject matter requires more time for review and action than is available at this time, and that interim study is the only motion we can make. Vote 14-0.

HB 1391, relative to consumer protection and going-out-of-business sales. OUGHT TO PASS WITH AMENDMENT

Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs: This bill strengthens consumer protection regarding going-out-of-business sales. There is better clarification of the definition of such a sale. It also imposes stricter penalties on individuals who misrepresent such sales. Vote 14-0.

Amendment (5381B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 358-A:1 by inserting after paragraph IV the following new paragraph:

V. "Going out of business sale" means any sale advertised, represented or held forth under the designation of: "going out of business," "close out," "quitting business," "discontinuance of business," "selling out," "liquidation," "lost our lease," "must vacate," "forced out," "removal," "branch store discontinuance sale," "building coming down," "end," "final days," "last days," "lease expires," "we give up sale," "we quit sale," "reorganization sale," or any other advertising or designation by any other expression similar to any of the foregoing giving notice to the public that the sale will precede the termination of a business or the abandonment of a business location.

2 Going Out of Business Sales. RSA 358-A:2, XII is repealed and reenacted to read as follows:

XII. Conducting or advertising a going out of business sale:

- (a) Which lasts for more than 60 days;
- (b) Within 2 years of a going out of business sale conducted by the same person at the same location or at a different location but dealing in similar merchandise;
- (c) Which includes any goods, wares, or merchandise purchased or received 90 days prior to commencement of the sale or during the duration of the sale and which are not ordinarily sold in the seller's course of business;
- (d) Which includes any goods, wares, or merchandise ordered for the purpose of selling or disposing of them at such sale and which are not ordinarily sold in the seller's course of business;
- (e) Which includes any goods, wares, or merchandise consigned for the purpose of selling or disposing of them at such sale;
- (f) Without conspicuously stating in any advertisement for any such sale, the date such sale is to commence or was commenced.
- (g) Upon the conclusion of which, continuing that business under the same name or under a different name at the same location; or
- (h) In a manner other than the name implies.

3 Private Actions; Going Out of Business Sales. Amend RSA 358-A:10, I to read as follows:

I. Any person injured by another's use of any method, act or practice declared unlawful under this chapter may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages or \$[200] 1,000, whichever is greater. If the court finds that the use of the method of competition or the act or practice was a willful or knowing violation of this chapter, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court. Any attempted waiver of the right to the damages set forth in this paragraph shall be void and unenforceable. *Injunctive relief shall be available to private individuals under this chapter without bond, subject to the discretion of the court.*

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill strengthens the consumer protection statute regarding persons conducting going out of business sales. Specifically, the bill clarifies the definition of such a sale and imposes increased damages and injunctive relief on persons who misrepresent such sales.

HB 1398, establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: This bill establishes a committee to study the possibility of linking the New Hampshire Port Authority with the Pease International Trade Center by rail or pipeline. The amendment adds an additional member from the House and the Senate. It further states that members of the committee be appointed within 30 days of the effective date and that the first named House member shall chair, with the first meeting within 60 days of the effective date. Vote 16-0.

Amendment (5424B)

Amend paragraphs I and II of section 1 of the bill by replacing them with the following:

I. Three members of the house of representatives, appointed by the speaker of the house.

II. Two members of the senate, appointed by the president of the senate.

Amend the bill by replacing section 3 with the following:

3 Appointments; Mileage; Chairperson. The members of the committee shall be appointed within 30 days of the effective date of this act. The first-named house member shall be the chairperson of the committee and shall call the first meeting within 60 days of the effective date of this act. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

HB 1416, relative to liens on manufactured housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: This bill resolves a long standing problem with abandoned manufactured housing. It also clarifies the procedure to be followed by persons who have liens on manufactured housing when a tenant is in arrears. Vote 14-0.

Amendment (5544B)

Amend the bill by replacing all after the enacting clause with the following:

1 Notice to Lienholders. RSA 205-A:4-a is repealed and reenacted to read as follows:

205-A:4-a Notice to Lienholders.

I. Any person who loans money secured by a lien on manufactured housing owned by a tenant in a manufactured housing park may give written notice of such lien to the park owner or operator and shall become an eligible lienholder for purposes of this section by giving such notice. An eligible lienholder may request the tenant to provide a copy of the park rules then in effect and a written statement disclosing the amount of rent and other charges that the tenant is obligated to pay to the park owner or operator. If the eligible lienholder is unable to obtain such park rules or information relating to the tenancy from the tenant or is uncertain as to its reliability, such lienholder may request the park owner or operator to provide such park rules or information to confirm its reliability. The park owner or operator shall provide such park rules and information to the eligible lienholder within 30 days of receipt of such request. If the park rules are amended or the amount of the rent or other charges are changed after the park owner or operator has received the original notice from the eligible lienholder, the park owner or operator shall give written notice of such change to such lienholder at the same time notice is given to the tenant. If the eligible lienholder assigns its interest in the lien on the manufactured housing, it shall give written notice of the assignment and the name and address of the assignee to the park owner or operator at the time the assignment is made. If the loan secured by the lien on the manufactured housing is repaid, the eligible lienholder shall give written notice of the release of the lien to the park operator or owner at the time the release is given. Any lienholder may release its lien on request of a park owner or operator on such terms and conditions as they may mutually agree.

II. At any time the tenant is in arrears for more than 30 days in the payment of rent and other charges, the park owner and operator may give written notice of such default by registered or certified United States mail, postage prepaid, to the eligible lienholder with a copy to the tenant. A specification of the amount that is past due and the current monthly rent and charges shall accompany such notice of default. The eligible lienholder shall have a period of not more than 60 days from receipt of such notice of default to determine whether it will assume responsibility for the payment of rent and other charges arising after the date of receipt of such notice of the default. If the tenant pays all unpaid rent and other charges within the 60-day period, the park owner or operator shall give notice of such payment in writing to the eligible lienholder, and no further action by such lienholder shall be required.

III. If the eligible lienholder elects to assume responsibility for the payment of rent and other charges commencing on the date of receipt of the notice of default pursuant to RSA 205-A:4-a, II, it shall notify the park owner or operator in writing, with a copy to the tenant, within the 60-day period and make payment of the rent and other charges that are due; provided, however, that no late charges shall be assessed against such lienholder if payment is made within the 60-day period. If the tenant subsequently pays all unpaid rent and other charges, including liquidated damages as provided in RSA 205-A:4, I, due to the park owner or operator, such lienholder shall not be responsible for the payment of rent or other charges thereafter unless a new event of default occurs and it agrees to assume responsibility for such payment pursuant to RSA 205-A:4-a, II and III. If the eligible lienholder performs its obligations under this paragraph, it may exercise all of its rights as a secured party including, without limitation, the foreclosure of its lien on the manufactured housing. The eligible lienholder shall have all of the rights of the tenant to sell the manufactured housing in the park. The eligible lienholder shall not take any action which is contrary to the park rules provided to it pursuant to RSA 205-A:4-a, I and shall comply with such rules at such time as it takes possession of the manufactured housing through foreclosure or otherwise.

IV. If the eligible lienholder elects not to assume responsibility for the payment of rent and other charges pursuant to RSA 205-A:4-a, III, it shall notify the park owner or operator in writing, with a copy to the tenant, and may remove the manufactured housing from the park within the 60-day period as permitted under the laws of this state. If the manufactured housing is not removed from the park within the 60-day period, the lien of the park owner or operator provided in RSA 205-A:4-a, VII relating solely to the amount of unpaid rent and other charges due from the tenant arising after the date of receipt of the notice of default by the eligible lienholder pursuant to RSA 205-A:4-a, II and of reasonable moving costs and storage charges if the park owner or operator removes the manufactured housing from the site shall take priority over the lien of such lienholder. Subject to such priority lien of the park owner or operator, the eligible lienholder may exercise all of its rights as a secured party, including without limitation the foreclosure of its lien on the manufactured housing.

V. If a lienholder fails to give notice of its lien pursuant to RSA 205-A:4-a, I, or having given notice of its lien fails to give notice of the assignment thereof pursuant to RSA 205-A:4-a, I, or fails to give notice of its election to the park owner or operator within the 60-day period pursuant to RSA 205-A:4-a, III or IV, the lien of the park owner or operator provided in RSA 205-A:4-a, VII shall take priority over the lien of such lienholder.

VI. Any park owner or operator who fails to give notice in writing of any change in rent or other charges to an eligible lienholder shall be barred from collecting from such lienholder during the 60-day period provided in RSA 205-A:4-a, II any amount owed by the tenant which exceeds the rent and other charges previously disclosed to such lienholder. After the expiration of the 60-day period, the park owner or operator may collect from the eligible lienholder the rent and other charges then in effect in the park, as disclosed in the specification required in the notice of default as provided in RSA 205-A:4-a, II.

VII. A park owner or operator may commence eviction proceedings against a tenant at any time in accordance with the provisions of this chapter and may take possession of the space in the park occupied by such tenant following the issuance of a writ of possession, provided that if there is an eligible lienholder, it must be given written notice of the commencement of such proceedings and the eligible lienholder does not elect to assume responsibility for the payment of the rent and other charges within the 60-day period allowed by

RSA 205-A:4-a, II. The park owner or operator shall have a lien in the manufactured housing of a tenant for the amount of all of the rent and other charges due from the tenant and of reasonable moving costs and storage charges if the park owner or operator removes the manufactured housing from the site, which lien shall take priority over all prior liens other than liens on account of real estate taxes and lines of eligible lienholders except as otherwise provided in RSA 205-A:4-a, IV and V. Such lien of the park owner or operator shall be in the nature of a security interest in manufactured housing as provided in RSA 477:44, IV. The park owner or operator may sell the manufactured housing as permitted by RSA 382-A:9 to recover the amount of its claim, subject to the homestead rights of the tenant as provided in RSA 480:1 unless waived by the tenant. A tenant shall be deemed to have waived the tenant's homestead rights if the tenant has executed a written waiver or if the rent and other charges due from the tenant are more than 60 days in arrears and the tenant has abandoned the premises, as evidenced by the absence of the tenant from the premises and the termination of any utility service serving the premises. Upon sale of the manufactured housing, the park owner or operator shall convey the manufactured housing by means of a deed or other document conforming to the requirements of RSA 477:44. Nothing contained in this section shall affect the obligations of the tenant to the park owner or operator under any rental or other agreement or the park rules.

2 Effective Date. This act shall take effect January 1, 1995.

HB 1420, relative to the sale of defective vehicles. OUGHT TO PASS

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: The NH Safety Department's Arbitration Board requested this legislation, which clarifies the intent of the original legislation to have any proceeding initiated for the sale of a defective vehicle to begin within one year following the express warranty term or the manufacturer's final repair attempt of the nonconformity. It also prohibits any manufacturer or his agent from reselling in New Hampshire any vehicle determined by the board as having a serious safety defect. Vote 13-0.

HB 1425, requiring a certain minimum water flow before property may be sold. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Wells for Commerce, Small Business and Consumer Affairs: This bill would require a flow of four gallons per minute before a building could be sold. While well intended, the bill would be impossible to enforce and potential liability to property owners, banks, well drillers and real estate brokers would be monumental. Vote 16-0.

HB 1461, establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire. OUGHT TO PASS

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill establishes a committee to study the feasibility of creating health care provider cooperative agreements in New Hampshire. Vote 16-0.

HB 1467, requiring any pre-owned automobile purchased from a dealer to be capable of passing the state inspection process, except as provided in RSA 358-F. REFER FOR INTERIM STUDY

Rep. Peter F. Wells for Commerce, Small Business and Consumer Affairs: The bill to require a pre-owned automobile to be inspected attempts to solve small problems and creates problems as well. In the interest of the consumers, interim study was selected in order to create a good bill. Vote 15-0.

HB 1468, allowing builders to use native timber instead of stamped lumber when the timber is certified by a New Hampshire wood processing mill. OUGHT TO PASS WITH AMENDMENT

Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs: This bill will allow native New Hampshire lumber to be available to our consumers with the protection of strict state certification or stamping under the Commissioner of Agriculture. The Commissioner, in consultation with the Division of Forests and Lands and the University of New Hampshire Cooperative Extension, shall establish the standards for mill graders who will certify or stamp native lumber. This ability to purchase native New Hampshire lumber makes good practical and economic sense for all concerned. Vote 18-0.

Amendment (5530B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing builders to use native lumber when the lumber is certified or stamped
by a New Hampshire wood processing mill.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Grading and Certification or Stamping of Native Lumber. Amend RSA 434 by inserting after section 58 the following new subdivision:

Grading and Certification or Stamping of Native Lumber

434:59 Grading and Certification or Stamping of Native Lumber.

I. For the purposes of this subdivision "native lumber" means wood processed in the state of New Hampshire by mills registered in accordance with the provisions of RSA 224-A. Such wood shall be considered certified or stamped in accordance with the requirements of this section.

II.(a) Notwithstanding any provision of law to the contrary, a mill registered in accordance with RSA 224-A selling native lumber shall, when required, certify in writing to the purchaser on a form approved by the commissioner of agriculture that the quality and safe working stresses of the lumber are equal to or better than No. 2 grade in accordance with the conditions set forth in the American Softwood Standard PS 20-70, or as amended, provided that lumber for use in load bearing wall members shall be of stud grade minimum. The certificate shall include wood species, quantity, location of use, green or dry, sawmill name, name of permitted grader and date. The certification shall be filed with the local building official having jurisdiction as part of the building permit application.

(b) Notwithstanding subparagraph (a), a mill registered in accordance with RSA 224-A selling native timber may stamp such timber.

III. The commissioner of agriculture, in consultation with the division of forests and lands and the University of New Hampshire cooperative extension, shall establish standards for mill graders who will stamp or certify native lumber. The commissioner shall issue a written permit to each mill grader who has received training and who demonstrates by examination or other procedure prescribed by the commissioner in rulemaking, competence and ability to grade and certify or stamp native lumber in accordance with paragraph II of this section. No lumber shall be sold as certified or stamped native lumber unless it is accompanied by a certificate signed by a grader holding a valid permit.

IV. Any municipality which has adopted a building code which requires regular grade stamped lumber shall accept a stamp or a certificate prepared pursuant to this subdivision which certifies that the native lumber meets the appropriate structural standards in lieu of an accepted and recognized lumber grading stamp. Any structure which is built with such approved native lumber shall be considered equivalent to a structure built with regular grade stamped lumber.

434:60 Rulemaking. The commissioner of agriculture shall adopt rules, under RSA 541-A, necessary to administer this subdivision.

434:61 Prohibited Acts; Administrative Penalty. It shall be unlawful for any person to sell any lumber as stamped or certified native lumber unless such lumber has been graded and certified or stamped in accordance with RSA 434:59. Any person who violates any provision of this subdivision or any rule or order adopted or issued under this subdivision shall be liable for an administrative fine not to exceed \$1,000 for each violation.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows builders to use native lumber instead of stamped lumber when the lumber is certified or stamped by a New Hampshire wood processing mill.

The bill requires the commissioner of agriculture to adopt rules to carry out the new law.

HB 1545, relative to disclosure regarding contests and gift giveaways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Newland for Commerce, Small Business and Consumer Affairs: This consumer protection legislation requires that any contests or giveaways clearly disclose who is conducting the promotion and all conditions a participant must satisfy. There was no opposition to this legislation. Vote 16-0.

Amendment (5404B)

Amend RSA 358-O:4, V as inserted by section 2 of the bill by replacing it with the following:

V. Nothing in this section shall create any liability for acts by the publisher, owner, agent or employee of a newspaper, periodical, radio station, television station, telecommunications corporation, cable-television system or other advertising medium arising out of the publication or dissemination of any advertisement or promotion governed by this section, when the publisher, owner, agent or employee did not know that the advertisement or promotion violated the requirements of this section.

HC 25, a resolution in support of the free transfer of the former Pease Air Force Base. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs: This resolution places the General Court on record as supporting a no cost transfer of the federal land remaining at the former Pease Air Force Base to the State of New Hampshire to enhance the economic revitalization of the state. Vote 13-0.

Amendment (5486B)

Amend the resolution by replacing all after the title with the following:

Whereas, the New Hampshire general court has thoroughly considered the issues surrounding the transfer of the former Pease Air Force Base to the Pease Development Authority; and

Whereas, the New Hampshire general court fully supports the transfer of the remaining land and buildings at the former Pease Air Force base to the Pease Development Authority at the earliest possible date; and

Whereas, the New Hampshire general court finds that the transfer of the remaining land and buildings is vital for economic growth in the seacoast region as well as the entire state of New Hampshire, with the protection of the environment and the quality of life as predominant factors in planning for such economic growth; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the transfer of the remaining land and buildings be made at no cost to the state of New Hampshire; and

That the federal government is strongly encouraged to provide significant funding for the redevelopment of the Pease International Tradeport; and

That copies of this resolution be transmitted by the clerk of the New Hampshire house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Chairman of the House Armed Services Committee and to each member of the New Hampshire congressional delegation.

HB 1106, establishing the crime of sexual abuse, continuing course of conduct. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna P. Sytek for Corrections and Criminal Justice: Many cases of child sexual assault involve long term sexual abuse perpetrated by a household member or family friend with frequent access to the child. Frequently by the time the abuse is discovered and reported, the child cannot distinguish one incident of sexual abuse from another, leaving prosecutors unable to bring charges with the specificity required. This bill, as amended, establishes a "pattern of sexual assault" as a crime when perpetrated on a child under 16 over a period of two months or more within a period of five years. This bill will prevent the most egregious cases of chronic sexual abuse from going unpunished because of the inability of children to confirm their testimony to the strict requirements of the current law. Vote 10-0.

Amendment (5333B)

Amend the title of the bill by replacing it with the following:

AN ACT

making a person, who purposely engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition; Pattern of Sexual Assault Added. Amend RSA 632-A:1 by inserting after paragraph I-b the following new paragraph:

I-c. "Pattern of sexual assault" means committing more than one act of sexual penetration or felonious sexual contact, or both, upon the same victim over a period of 2 months or more and within a period of 5 years.

2 New Paragraph; Aggravated Felonious Sexual Assault; Pattern of Sexual Assault Added. Amend RSA 632-A:2 by inserting after paragraph II the following new paragraph:

III. A person is guilty of aggravated felonious sexual assault when such person purposely engages in a pattern of sexual assault against another person, not the actor's legal spouse, who is less than 16 years of age. The requisite mental state of "purposely" shall not apply to the element of engaging in a pattern of sexual assault, but only to the individual acts of sexual penetration or felonious sexual contact or both.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill makes a person, who purposely engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.

HB 1134, increasing the penalty for criminal threatening and reckless conduct with a firearm. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas G. Houlahan for Corrections and Criminal Justice: The bill increases the penalty for criminal threatening and reckless conduct with a deadly weapon. It is a response to problems like drive-by shootings (reckless conduct) and armed, barricaded persons in stand-off situations (criminal threatening). The bill was amended to include such conduct involving "deadly weapons as defined in RSA 625:11V", not just "firearms." Vote 10-0.

Amendment (5387B)

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the penalty for criminal threatening and reckless conduct with a deadly weapon.

Amend the bill by replacing all after the enacting clause with the following:

1 Reckless Conduct With a Deadly Weapon; Penalty Increased. Amend RSA 631:3 to read as follows:

631:3 Reckless Conduct.

I. A person is guilty of [a misdemeanor] *reckless conduct* if he recklessly engages in conduct which places or may place another in danger of serious bodily injury.

II. *Reckless conduct is a class B felony if the person uses a deadly weapon as defined in RSA 625:11, V. All other reckless conduct is a misdemeanor.*

2 Criminal Threatening with a Deadly Weapon; Penalty Increased. RSA 631:4, II is repealed and reenacted to read as follows:

II.(a) Criminal threatening is a class B felony if the person:

(1) Violates the provisions of subparagraph I(c); or

(2) Uses a deadly weapon as defined in RSA 625:11, V in the violation of the provisions of subparagraph I(a), I(b) or I(d).

(b) All other criminal threatening is a misdemeanor.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill increases the penalty for criminal threatening and reckless conduct with a deadly weapon.

HB 1254, relative to sentencing and removing the limitation on uncompensated public service. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Corrections and Criminal Justice: Current law allows a judge to sentence a person to a period of conditional discharge. One such condition may require performance of not more than 50 hours of uncompensated public service. The proposed legislation would remove the limitation on uncompensated public service and allow a judge discretion in determining the number of hours to assign. It will also allow judges to sentence persons placed on probation to perform uncompensated community service as a condition of such probation. The sections pertaining to compensation and liability have been clarified. Vote 10-0.

Amendment (5509B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the performance of uncompensated public service
by persons convicted of crimes.

Amend the bill by replacing all after the enacting clause with the following:

1 Sentencing; Probation; Restitution and Uncompensated Public Service References Added. Amend RSA 651:2, V by inserting after subparagraph (f) the following new subparagraph:

(g) The court may include, as a condition of probation, restitution to the victim as provided in RSA 651:62-67 or performance of uncompensated public service as provided in RSA 651:68-70.

2 Sentencing; Conditional Discharge; Limitation Removed; Reference Changes. Amend RSA 651:2, VI to read as follows:

VI.(a) A person may be sentenced to a period of conditional discharge if he is not imprisoned and the court is of the opinion that probationary supervision is unnecessary, but that the defendant should conduct himself according to conditions determined by the court. Such conditions may include:

[(a)](1) restrictions on the defendant's travel, association, place of abode, such as will protect the victim of the crime or insure the public peace;

[(b)](2) an order requiring the defendant to attend counselling or any other mode of treatment the court deems appropriate;

[(c)](3) restitution to the victim; and

[(d)](4) performance of [not more than 50 hours of] uncompensated public service[, such service being of a sort that in the opinion of the court will foster respect for those interests violated by the defendant's conduct. However, no person who performs such public service under this paragraph shall receive any benefits that any such employer for whom the service is performed gives to its other employees, including, but not limited to, workers' compensation and unemployment benefits, and no such employer shall be liable for any damages sustained by a person while performing services for the benefit of the employer or any damages caused by that person unless the employer is guilty of gross negligence] *as provided in RSA 651:68-70.*

(b) The period of a conditional discharge shall be 3 years for a felony and one year for a misdemeanor or violation. However, if the court has required as a condition that the defendant make restitution or reparation to the victim of his offense or that the defendant perform [community] *uncompensated public* service and that condition has not been satisfied, the court may, at any time prior to the termination of the above periods, extend the period for a felony by no more than 2 years and for a misdemeanor or violation by no more than one year in order to allow the defendant to satisfy the condition. During any period of conditional discharge the court may, upon its own motion or on petition of the defendant, discharge the defendant unconditionally if the conduct of the defendant warrants it. The court is not required to revoke a conditional discharge if the defendant commits an additional offense or violates a condition.

3 Release of Prisoner for Uncompensated Public Service; Reference Added. Amend RSA 651:19 to read as follows:

651:19 Release for Purpose of Gainful Employment or Rehabilitation. Any person who has been committed to a penal institution other than state prison under a criminal sentence may

be released therefrom by the sentencing court at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment, *for the performance of uncompensated public service as provided in RSA 651:68-70*, or for such other purpose as the court may deem conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as the court may order. Any part of a day spent in the free community under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his conduct, custody and employment, he shall be returned to the sentencing court. The court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term.

4 Release of Prisoner for Uncompensated Public Service; Reference Added. Amend RSA 651:25, I to read as follows:

I. The commissioner of corrections may release any person who has been committed to the state prison at any time during the term of sentence for the purpose of obtaining and working at gainful employment, *for the performance of uncompensated public service as provided in RSA 651:68-70*, or for such other purpose as may be deemed conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as may be prescribed by the commissioner pursuant to RSA 541-A, provided, however, that a prisoner who has not served sufficient time to be eligible for parole may be released under this section only if the sentencing court has been notified of the proposed release and has not objected within 10 days of receipt of such notice. The commissioner of corrections may permit inmates of the state prison, who volunteer to do so, to be gainfully employed outside the institution when such employment is considered in their best interest and the best interest of the state. Inmates may be so employed [for] *by* the state or [for] *by* public or private employers.

5 Suspended Sentence; Conditions Added. Amend RSA 651:20 by inserting after paragraph II the following new paragraph:

III. As a condition of any suspension of sentence, the court may include restitution to the victim as provided in RSA 651:62-67, performance of uncompensated public service as provided in RSA 651:68-70, or such other conditions as the court may determine.

6 New Subdivision; Uncompensated Public Service. Amend RSA 651 by adding after section 67 the following new subdivision:

Uncompensated Public Service

651:68 Uncompensated Public Service. The performance of uncompensated public service of a sort that in the opinion of the court, the commissioner of the department of corrections, or the parole board will foster respect for those interests violated by the defendant's conduct may be ordered:

I. By the sentencing court as a condition of probation, conditional discharge, release under RSA 651:19 or suspension of sentence;

II. By the commissioner of the department of corrections as a condition of release under RSA 651:25;

III. By the parole board as a condition of parole.

651:69 Compensation. No individual who performs uncompensated public service under this subdivision for a person or organization shall receive any benefits that are provided to other employees.

651:70 Liability. No person or organization who utilizes the services of any person performing uncompensated public service under this subdivision shall be liable for any damages sustained by an individual while performing such services for the benefit of the person or organization or any damages caused by that person unless the person or organization is guilty of gross negligence.

7 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill permits a sentencing court, the department of corrections and the parole board to order a person convicted of a crime to perform uncompensated public service.

HB 1394, deletes the requirement that habitual offenders be incarcerated and allowing incarceration at the discretion of the court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill was written to eliminate the mandatory sentence of one year. While the committee objects to mandatory sentencing and prefers judicial discretion based on legislative guidelines, the committee believes that by eliminating this sentence it may appear that habitual offenders are not a serious problem. Therefore we chose to make the sentence six months. This sentence seriously deals with the problem and saves significant monies for counties. Currently there are 277 habitual offenders housed in the County facilities and 77 offenders at the State. Vote 10-0.

Amendment (5377B)

Amend the title of the bill by replacing it with the following:

AN ACT

reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle.

Amend the bill by replacing section 1 with the following:

1 Mandatory Minimum Sentence Reduced. Amend RSA 262:23, I to read as follows:

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, he shall be sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not less than [one year] **6 months** nor more than 5 years. No portion of the minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a county correctional facility. Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

AMENDED ANALYSIS

This bill reduces the mandatory minimum sentence for habitual offenders convicted of unlawfully operating a motor vehicle to six months. Current law requires imprisonment of at least one year.

HB 1139-FN-L, allowing any individual under 18 years of age access to high school equivalency (GED) testing. **INEXPEDIENT TO LEGISLATE**

Rep. Nils H. Larson, Jr. for Education: The State Board of Education has an agreement with the GED test provider which may allow exceptions for testing under 18 years of age. The resolution should be at the discretion of the State Board and not a subject for legislation. Vote 17-0.

HB 1165, repealing requirements for a census of disabled students. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: The written census being repealed is no longer needed because this reporting is collected on a daily basis over the computer network called SPEDIS (Special Education Information System). The amendment was drafted by the Attorney General's office to comply with the James O. consent decree relative to court ordered placement of special education students. Vote 15-0.

Amendment (4856B)

Amend the title of the bill by replacing it with the following:

AN ACT

repealing requirements for a census of disabled students, and providing for additional special education reimbursement for certain pupils.

Amend the bill by inserting after the enacting clause the following and renumbering sections 1 and 2 to read as 2 and 3, respectively:

1 Reimbursement. Notwithstanding the provisions of RSA 186-C:19-b, the department of education shall reimburse school districts for appropriate costs for special education and educationally-related services paid by school districts in excess of 3 times the state average cost per pupil in reimbursement hearings brought pursuant to the consent decree, James O., Kelly E. and William B. v. Marston, filed with the department of education prior to November 24, 1992.

AMENDED ANALYSIS

This bill repeals the provision which requires school districts to do a census and report annually to the state board of education the number of educationally handicapped children who have been identified and evaluated.

It also provides for additional special education reimbursement for pupils whose hearings were brought pursuant to consent decree, James O., Kelly E. and William B. v. Marston, filed prior to November 24, 1992.

This bill is a request of the department of education.

HB 1270-FN-L, revising the school money laws and setting forth a school budget act. **ought to pass with amendment.**

Rep. Susan B. Durham for Education: This bill sets up a committee to study RSAs 32, 33, 195 and 198, and integrate any recent changes in the municipal budget act into the school district statutes. The committee also will identify any inconsistencies in the RSAs in order to simplify the tasks of local government. Vote 16-0.

Amendment (5438B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to integrate any changes in the municipal budget act into the school district laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Duties. A committee is hereby established to review RSA's 32, 33, 195 and 198 and integrate any recent changes in the municipal budget act into the school district statutes. The committee shall identify any inconsistencies in the RSA's in order to clarify and simplify the tasks of local governments.

2 Membership. The committee shall consist of the following members:

I. Two house members, one from the education committee and one from the municipal and county government committee, appointed by the speaker of the house.

II. Two senators, one from the education committee and one from the executive departments and administration committee, appointed by the senate president.

III. Three people representing the Municipal Association, one of whom shall be a selectperson, appointed by the association.

IV. Two people representing the Association of School Business Administrators, appointed by the president of the association.

V. One person from the department of revenue administration, appointed by the commissioner of revenue administration.

VI. One person from the department of education, appointed by the commissioner of education.

VII. One member representing the New Hampshire School Boards Association, appointed by the association.

3 Assistance. The committee shall call upon technical or legal experts in the appropriate fields to assist the committee in its duties.

4 Chair; Meetings. The first meeting shall be called by the first-named house member within 30 days of the effective date of this act. The chair of the committee shall be elected by the members at the first meeting.

5 Mileage. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

6 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the senate president and the speaker of the house on or before November 1, 1994.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to integrate any changes in the municipal budget act into the school district laws.

The committee shall submit a report, including any recommendations for legislation, to the speaker of the house and the senate president on or before November 1, 1994.

HB 1288, establishing a state advisory and oversight committee on the education of children with disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joan C. Tate for Education: This bill expands the advisory committee mandated by federal law. The committee believes that with the expansion of membership to the advisory committee it will benefit the educational servicing to children with disabilities. Vote 16-0.

Amendment (5523B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a state advisory and oversight committee on the
education of children with disabilities and in
accordance with federal requirements.

Amend RSA 186-C:3-b, I and II, as inserted by section 1 of the bill by replacing it with the following:

I. In accordance with the provisions of 20 U.S.C. 1413(a)(12), Secs. 300.650-300.653, there is established an advisory and oversight committee on the education of children with disabilities to advise the commissioner of education on issues relating to special education. In addition, the committee shall review the federal financial participation and the level of state funding to determine the impact on the programs and delivery of services to children with disabilities.

II. The committee shall consist of the following members:

(a) Two members of the house education committee, appointed by the speaker of the house.

(b) Two members of the senate education committee, appointed by the president of the senate.

(c) One representative of the Business and Industry Association, recommended by the Business and Industry Association and appointed by the governor.

(d) One member of the state board of education, appointed by the board chairperson.

(e) The commissioner of education or designee.

(f) Three teachers, one of whom is a special education teacher, appointed by the commissioner of education.

(g) One representative of the division of public health services, appointed by the commissioner of the department of health and human services.

(h) One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center and appointed by the governor.

(i) One representative of the Parent Information Center, recommended by the Parent Information Center and appointed by the governor.

(j) Two individuals with disabilities who have benefited from special education services, one of whom shall be a high school student, recommended by the New Hampshire Coalition for Citizens with Disabilities and appointed by the governor.

(k) Seven parents of children with disabilities, 3 of whom shall be parents of children with learning disabilities, recommended by the New Hampshire Coalition for Citizens with Disabilities and appointed by the governor.

(l) One member of the New Hampshire Association of School Administrators, recommended by the association and appointed by the governor.

(m) One special education program administrator, recommended by the New Hampshire Association of Special Education Administrators and appointed by the governor.

(n) One pediatrician, recommended by the president of the New Hampshire chapter of the American Academy of Pediatrics and appointed by the governor.

(o) One representative of the School Board Association, recommended by the association and appointed by the governor.

(p) One school principal, recommended by the New Hampshire Association of School Principals and appointed by the governor.

Amend RSA 186-C:3-b, IV, as inserted by section 1 of the bill by replacing it with the following:

IV. The committee shall:

(a) Advise the department of education regarding unmet needs within the state in the education of children with disabilities.

(b) Provide an annual report to the governor and the state legislature on the status of education of students with disabilities in New Hampshire.

(c) Comment publicly on the state plan and rules or regulations proposed for issuance by the state regarding the education of children with disabilities and the procedures for the distribution of federal funds.

(d) Assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under section 618 of the Individual with Disabilities Education Act.

(e) Review the results of impartial due process hearings and methods of reducing disputes relative to students with educational disabilities.

(f) Develop and distribute materials designed to enhance an understanding of the rights and responsibilities of parents and school districts in planning, implementing and monitoring special education and educationally-related services.

(g) Promote communication and cooperation among individuals involved with students with disabilities.

(h) Apply for, receive, and expend funds from other sources including state, federal, and private funding.

Amend RSA 186-C:3-b as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. The department of education shall provide administrative support for the committee.

AMENDED ANALYSIS

This bill establishes a state advisory and oversight committee to make recommendations to the commissioner of education relative to educating children with disabilities, to review federal and state funding of special education programs, and to report to the governor and state legislature on the status of education of students with disabilities in New Hampshire in accordance with federal requirements.

HB 1305, prohibiting the use of state moneys, or voucher or similar payment programs, to pay for nonpublic school education. **INEXPEDIENT TO LEGISLATE**

Rep. Jane E. O'Hearn for Education: This bill is in direct conflict with federal law and the State Constitution and is not necessary. Special education services would be adversely affected. Vote 17-0.

HB 1441, establishing school teacher termination procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Suzan L. R. Franks for Education: The action the sponsors want will be included in HB 1542, a teacher performance bill. All sponsors on the bill are in agreement that HB 1441 be inexpedient to legislate. Vote 12-0.

HB 1542, establishing a teacher evaluation program. **REFER FOR INTERIM STUDY**

Rep. Nils H. Larson, Jr. for Education: The subcommittee has worked very hard to try and produce a bill to establish a Teacher Improvement and Evaluation Program. Due to the lack of additional time and the necessity for further work on the measure, we have voted for Interim Study. Vote 16-0.

HCR 30, urging the state board of education to implement courses in the secondary curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia B. Brown for Education: This resolution encourages the State Board of Education and local school districts to foster curriculum showing diverse cultures, ethnicity, heritages and ideologies that promote tolerance, understanding and respect. Vote 15-0.

Amendment (5392B)

Amend the resolution by replacing the title of the resolution with the following:

RESOLUTION

urging the state board of education to encourage local school districts to foster curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect.

Amend the resolution by replacing all after the resolving clause with the following:

That the state board of education be urged to encourage local school districts to foster curriculum in New Hampshire schools which would examine diverse cultures, ethnicity, heritage, and ideologies while emphasizing and promoting tolerance, understanding, and respect.

AMENDED ANALYSIS

This house concurrent resolution urges the state board of education to encourage local school districts to foster curriculum which would examine diverse cultures, ethnicity, heritage, and ideologies while emphasizing and promoting tolerance, understanding, and respect.

HB 1327-FN, transferring all jurisdiction of aquaculture including licenses and fees from the department of fish and game to the department of agriculture. **OUGHT TO PASS WITH AMENDMENT**

Rep. Derek Owen for Environment and Agriculture: HB 1327 as amended more practically addresses the complex issue of transferring certain aspects of aquaculture from the Fish and Game Department to the Department of Agriculture. The Fish and Game Department is well organized to handle the recreational needs of hunting and fishing. Food requirements are growing because of the population explosion and there is an extraordinary increase in the volume of fish and wild game being raised commercially for food. The study committee recommended should provide for the orderly transfer as suggested. Vote 19-0.

Amendment (5330B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this act is to encourage the orderly development of aquaculture in the state, while ensuring that aquaculture operations do not adversely impact upon the state's aquatic and marine resources and do not pose unacceptable disease, ecological, environmental, health, safety or welfare risks to persons, the environment, aquatic species or marine species.

2 Committee Established. There is established a study committee to recommend, prepare and cause to be introduced legislation for the 1995 legislative session allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game. For the purposes of this act the committee shall use the following definitions:

I. "Aquatic species" include, but are not limited to, all fish, crustacea, mollusks, invertebrates and aquatic plants which usually inhabit freshwater or saltwater.

II. "Aquaculture" means, without limitation, the propagation and rearing of aquatic species and marine species and includes the planting, promoting of growth, harvesting and transporting of these species in, on, or from the waters of this state, or the operation of a fishing preserve.

3 Duties of Committee. The committee shall study all aspects of freshwater and saltwater aquaculture and shall recommend legislation designed to allocate responsibility over aquaculture between the department of fish and game and the department of agriculture.

4 Membership. The committee shall consist of the following members:

I. Three house members from the house environment and agriculture committee, appointed by the speaker of the house.

II. Two house members from the wildlife and marine resources committee, appointed by the speaker of the house.

III. The commissioner of the department of agriculture, or designee.

IV. The executive director of the department of fish and game, or designee.

V. One senator from the senate environment committee, appointed by the senate president.

VI. One senator from the senate wildlife and recreation committee, appointed by the senate president.

VII. Two public members, one of whom is engaged in freshwater aquaculture and one of whom represents the interests of saltwater aquaculture, appointed by the governor.

5 Report. The committee shall submit a report of its findings, together with any recommended legislation, to the speaker of the house, senate president and governor no later than November 1, 1994.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to prepare legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game.

HB 1496-FN-LOCAL, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities. **OUGHT TO PASS**

Rep. Richard O. Wasson for Environment and Agriculture: Relative to notification of all downstream communities within 25 miles or to the nearest downstream dam when any hazardous or potentially hazardous waste spill occurs. Vote 17-0.

HB 1512-FN, relative to the composition of the pesticide control board and establishing a citizens advisory committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory L. Hanselman for Environment and Agriculture: As amended, this bill establishes an advisory committee to assist the Pesticide Control Board with matters of local concern, comprised of ten members (one from each county) appointed by the Director of the UNH Cooperative Extension. Vote 17-0.

Amendment (5516B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee.

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Requests for Hearings. Amend RSA 430:31 by inserting after paragraph II the following new paragraph:

II-a. Receive and address requests from any member of the public for a hearing before the board.

2 New Section; Citizens Advisory Committee. Amend RSA 430 by inserting after section 31 the following new section:

430:31-a Citizens Advisory Committee.

I. There is hereby established an advisory committee to advise the pesticide control board on matters of local concern. The committee shall be composed of a representative of each county of the state familiar with local pesticide control issues, appointed by the director of the University of New Hampshire cooperative extension service. The members of the committee shall choose a chairperson by majority vote. Members shall serve 2-year terms, and no member shall serve more than 2 consecutive terms.

II. The 10 members of the committee shall represent a broad range of interests and shall include at least the following:

- (a) Two individuals actively employed as school teachers.
- (b) Two individuals employed with local municipalities.
- (c) Two individuals employed in the medical profession as physicians, nurses, clinicians or similar positions.

III. The appointing authority shall coordinate nominations with the counties' university extension educators to ensure that the committee has member diversity pursuant to paragraph II.

IV. The duties of the committee shall be:

(a) To advise the pesticide control board through written reports submitted to the director, division of pesticide control for inclusion on the agenda of the board meetings. The reports shall be received at least 30 days prior to the scheduled meeting.

(b) To provide a spokesperson for the committee to support and address written reports, in person, to the board, when necessary.

(c) To hold at least one public meeting or hearing per year in each county to provide the public an opportunity to address concerns to the committee.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the pesticide control board to receive and address requests from the public for hearings before the board.

The bill also establishes a citizens advisory committee to advise the pesticide control board on local matters.

HB 1533, adding a member to the pesticide control board. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory L. Hanselman for Environment and Agriculture: As amended, this bill adds a member representing the municipalities to the Pesticide Control Board, and clarifies that both the Departments of Fish and Game and Resources and Economic Development will each have board representation. Vote 18-0.

Amendment (5361B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the composition of the pesticide control board.

Amend the bill by replacing all after the enacting clause with the following:

1 Adding New Members and Clarifying Some Appointments. Amend RSA 430:30, I to read as follows:

I. A pesticide control board is established to consist of [11] **13** members appointed by the governor with consent of the council, as follows:

(a) The commissioner of agriculture[;].

(b) [A representative] *The director* of the division of public health services[;], *or designee*.

(c) [A representative] *The commissioner* of the department of resources and economic development [or].

(d) *The commissioner* of the department of fish and game[;], *or designee*.

[(d)](e) [A representative] *The director* of the division of water supply and pollution control[;], *or designee*.

[(e)](f) The state entomologist[;].

[(f)](g) A licensed physician representing the public interest[;].

[(g)](h) A person who possesses an advanced degree in one of the biological sciences representing the public interest[;].

[(h)](i) A licensed or permitted pesticide applicator[;].

[(i)](j) One person from a slate of 3 persons presented by the New Hampshire Horticultural Society[;].

[(j)](k) Two persons representing the public interest who are not affiliated with the manufacture or distribution of pesticides and who are neither commercial nor private applicators as defined in this subdivision, and who do not otherwise fall within categories (a) through [(i)] (j).

(1) One person representing municipal interests, appointed by the governor from 3 candidates nominated by the New Hampshire Municipal Association.

2 Change in Quorum. Amend RSA 430:30, IV to read as follows:

IV. The board shall meet 4 times annually, and from time to time at the call of the chairman or upon the request of any 4 members. [Six] *Seven* members shall constitute a quorum.

3 New Paragraph; Report. Amend RSA 430:31 by inserting after paragraph V the following new paragraph:

VI. File a report annually with the senate president and speaker of the house of representatives, for distribution to all state legislators, regarding the policies and goals of the board and the enforcement of this subdivision.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds 2 new public members to the pesticide control board and clarifies that state employee members should be department commissioners or division directors or their designees.

HB 1534, relative to solid waste districts. OUGHT TO PASS WITH AMENDMENT

Rep. Amanda A. Merrill for Environment and Agriculture: HB 1534 as amended creates a task force to evaluate the effectiveness of solid waste planning districts formed under RSA 149-M and to consider other mechanisms that may offer a more efficient means of planning for the state's future solid waste capacity needs. Vote 14-1.

Amendment (5508B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a task force to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes the need to evaluate the effectiveness of solid waste planning districts formed pursuant to RSA 149-M:18 and to consider other mechanisms that may offer a more efficient and cost effective means of planning for the state's future solid waste capacity needs.

2 Task Force Established; Duties. A task force is hereby established, the primary goal of which shall be to recommend a framework for ongoing solid waste planning in New Hampshire. The task force shall:

I. Review current municipal solid waste capacity needs and availability, on a statewide and regional basis, and estimates of capacity needs and availability for the next 20 years.

II. Summarize the factors contributing to the varying effectiveness of existing solid waste planning districts.

III. Make recommendations for a framework that better facilitates solid waste planning in New Hampshire. Such a framework shall provide methods for the ongoing evaluation of regional and state capacity needs and for meeting those needs in a manner that is efficient, environmentally and economically sound, and that furthers the policy regarding solid waste management set forth in RSA 149-M:1-a and in RSA 149-M:10. Recommendations regarding fundings and other resource requirements shall be included.

3 Membership. The task force shall consist of the following members:

I. The commissioner of the department of environmental services, or designee.

II. The director, division of solid waste management, department of environmental services, or designee.

III. The chairperson of the waste management council or designee.

IV. Two town officials, appointed by the New Hampshire Municipal Association.

V. Two city officials, appointed by the New Hampshire Municipal Association.

VI. Two directors of regional planning commissions, appointed by the New Hampshire Association of Regional Planning Commissions.

VII. One member representing the solid waste management industry, appointed by the Business and Industry Association.

VIII. One member representing solid waste haulers, appointed by the Business and Industry Association.

IX. One member with expertise in the area of industrial and commercial waste management, appointed by the Business and Industry Association.

X. The chairperson of the house environment and agriculture committee who shall chair the task force.

XI. A member of the senate, appointed by the president of the senate.

5 First Meeting. The chairperson shall call the first meeting within 30 days of the effective date of this act.

6 Report. The committee shall submit a report including its findings and recommendations for legislation to the speaker of the house, senate president and governor by November 1, 1994.

7 Mileage. Legislative members shall receive mileage at the legislative rate.

8 Committee Report Deadline Extended. Amend 1993, 133:1 to read as follows:

133:1 Solid Waste Laws Recodification Committee. There is hereby established a joint legislative committee for recodifying the solid waste laws of the state. The committee shall consist of 4 members of the house of representatives, appointed by the speaker, and 4 members of the senate, appointed by the senate president. The committee shall review the state's existing laws relative to solid waste management and make recommendations to the general court which shall be consistent with the provisions of this act. The committee shall submit its findings to the speaker and the senate president on or before November 1, [1994] 1995. The committee's legislative recommendations shall:

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a task force to recommend the framework for ongoing solid waste planning in New Hampshire.

This bill also extends the reporting deadline of the solid waste laws recodification committee.

HB 1368, establishing a commission to examine governmental reorganization. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald O. Gosselin for Executive Departments and Administration: This bill was passed unanimously by the committee. It is a new concept to promote efficiency, encourage cost savings, enhance accountability and control, improve coordination, reduce redundancy in state government and to provide better government for the taxpayers dollar. This will have a 15-member commission. Vote 14-0.

Amendment (5336B)

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the committee shall be as follows:

(a) Two members of the house of representatives, appointed by the majority leader, neither of whom shall hold a committee chairmanship or a vice-chairmanship.

(b) One member of the house of representatives, appointed by the democratic leader.

(c) Two members of the senate, one of whom shall be appointed by the republican leader and one of whom shall be appointed by the democratic leader.

(d) One member of the governor's staff, appointed by the governor.

(e) The state treasurer, or designee.

(f) The secretary of state, or designee.

(g) Two public members from the state's business community, at least one representing small business, appointed by the governor. For purposes of this appointment, the term "small business" shall mean a business with 25 or fewer employees.

(h) Two public members appointed one each by the speaker of the house of representatives and the president of the state senate.

(i) Two members from the State Employees Association, Inc., appointed by the association.

(j) One nonunion member, designated by the division of personnel, department of administrative services.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

HB 1379, establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report. OUGHT TO PASS

Rep. Gerald O. Gosselin for Executive Departments and Administration: This bill will establish a committee to implement the findings of the 1991-1992 task force on government operations as well as recommendations of the Winter Commission. This is a short term report that has to be completed by December 15, 1994. Vote 14-0.

HB 1401, providing an exemption to homeowners relative to the installation of plumbing. REFER FOR INTERIM STUDY

Rep. Kathleen W. Ward for Executive Departments and Administration: The committee found many problems with the authority of the Plumbers Board, therefore, we recommend interim study so that the committee can address the whole matter rather than one small piece. Vote 13-0.

HB 1427, establishing a committee to study amateur athletics. REFER FOR INTERIM STUDY

Rep. Bonnie K. Groves for Executive Departments and Administration: All of the testimony on HB 1427 pertained to amateur boxing and we discerned no obvious problems in other athletic areas. Therefore, the committee hoped to confine our efforts to the amateur boxing issue. Unfortunately, due to snow cancellations and the boxing commissioners' travel commitments, the subcommittee could not meet with the commissioners to discuss this bill. Interim study provides an opportunity to meet with them. Vote 14-0.

HB 1428, requiring legislative approval for the naming of certain formations. OUGHT TO PASS WITH AMENDMENT

Rep. J. Gregory McGrath for Executive Departments and Administration: This bill makes the Legislature the sole authority for naming state roads, buildings and natural formations. An exception is provided to allow for acquisition of land (wetlands, forests, etc.) where one of the requirements is that the land be named after a person or place. The bill names a new park in Northwood at the request of the Division of Parks and Recreation. Vote 14-0.

Amendment (5337B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park.

Amend the bill by replacing all after the enacting clause with the following:

1 Naming Buildings and Formations; Legislative Approval. Amend RSA 4:43 to read as follows:

4:43 Naming of Certain *Buildings and* Formations.

I. No state-owned building, and no state park, bridge, mountain, road, river, or body of water under the control of the state, shall be named or renamed without legislative approval.

II. Notwithstanding the provisions of paragraph I, when real estate is acquired by the state by gift or by purchase, and one of the requirements of the acquisition is that the real estate be named after a particular person or place, the real estate shall be so named without legislative approval.

2 Northwood Pioneer State Park. Northwood Meadow, a tract of land located in the town of Northwood, New Hampshire, is hereby renamed as Northwood Pioneer State Park.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill gives the legislature the authority to name as well as to rename state-owned buildings and formations such as state parks, bridges, mountains, roads, rivers, and bodies of water.

An exception is made for real estate acquired by the state by gift or by purchase, when a requirement of the acquisition is that the real estate be named after a particular person or place.

The bill also renames Northwood Meadow, located in Northwood, New Hampshire, Northwood Pioneer State Park.

HB 1490, relative to rescheduling adjudicative proceedings and hearings held before state agencies. REFER FOR INTERIM STUDY

Rep. Merton S. Dyer for Executive Departments and Administration: This bill deals with the rescheduling of adjudicative proceedings and hearings. At the present time, there is some abuse of postponement or rescheduling of hearings. Most of the testimony before the committee agreed there should be some changes but with flexibility for the different departments. Some departments have the situation well under control, but felt that further study would be important. Therefore, the committee voted 14-0 for interim study in order to prepare an amendment that would address the needs of the public and the various departments. Vote 14-0.

HB 1233, making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments. OUGHT TO PASS WITH AMENDMENT

Rep. Amy L. Bagley for Labor, Industrial and Rehabilitative Services: This bill makes an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payment to the payee. This bill also requires an insurer or plan administrator to notify an employee prior to certain employee benefit plan terminations. A plan administrator may be liable for lost benefits if such insurer fails to notify the employee. Vote 12-0.

Amendment (5518B)

Amend the title of the bill by replacing it with the following:

AN ACT

making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments and making a plan administrator liable for failing to meet certain employee notification requirements.

Amend the bill by replacing all after the enacting clause with the following:

1 Failure to Make Payments; Notice of Cancellation; Employer and Plan Administrator Liability. Amend RSA 275:48 to read as follows:

275:48 Withholding of Wages.

I. No employer may withhold or divert any portion of an employee's wages unless:

[I.](a) The employer is required or empowered to do so by state or federal law, or

[II.](b) The employer has a written authorization by the employee for deductions for a lawful purpose accruing to the benefit of the employee as provided in regulations issued by the commissioner,

[III.](c) The deductions are pursuant to any rules or regulations for medical, surgical, or hospital care or service, without financial benefit to the employer and openly, clearly, and in due course recorded in the employer's books.

II. If an employer making a deduction of an employee's wages under paragraph I fails to make any payment relative to such deduction on the employee's behalf, and such employee loses any benefit or fails to meet an obligation caused by such failure, the employer shall be liable for such lost benefit or failed obligation. For any benefits provided to an employee paid for entirely by the employer without employee deductions, if the employer fails to make timely payments for such benefits and the employee loses any benefit or fails to meet any obligations caused by such failure, then the employer shall be liable for such lost benefits or failed obligations. The employer shall also be liable for any cost incurred by the employee caused by the employer's failure to make such payments.

III. An insurer or plan administrator of a self-funded plan shall notify an employee in writing of termination of an employee benefit plan pursuant to the notification requirements of RSA 415:18, VII(g), (4) or the Employee Retirement Income Security Act, as applicable.

IV. If a plan administrator fails to comply with the applicable employee notification requirements of the Employee Retirement Income Security Act, then the plan administrator shall be liable for lost benefits or failed obligations to the employee resulting from the

termination of the employee's benefit plan. Such liability extends only for the period of non-compliance beginning on the date notification to the employee was required under the Employee Retirement Income Security Act and ending on the date proper notification was made. Such liability for plan administrators is secondary to the employer's liability during this period and becomes primary only after the department of labor determines that the employer is financially unable to pay all or any part of the employee's lost benefits and failed obligations. Such liability for plan administrators in no way diminishes the employer's liability during this or any period.

V. For purposes of this section "plan administrator" means the fiduciary of the plan named in the adoption agreement who has the duties specified in the plan.

2 Group Policies; Written Notice of Conversion Privilege. Amend RSA 415:18, VII(f) to read as follows:

(f) Each certificate holder in the insured group shall be given written notice of this conversion privilege and its duration within 15 days after the date of termination of the group contract or policy. If this notice is given more than 15 days after the date of termination, the time allowed for the exercise of the privilege of conversion shall be extended for a period of 15 days following receipt of written notice by the certificate holder. Such notice shall be mailed by the insurer to the certificate holder at the last address furnished to the insurer by the contract holder at the same time as the notice required by RSA 415:18, VII(g)(4) is mailed. Each certificate holder shall have the option of electing an individual conversion policy or the 39 week extension period provided pursuant to RSA 415:18, VII(g)(4). The election of the 39 week extension period upon termination by any person or member shall not preclude such person or member from electing a converted policy at the expiration of the 39 week extension period.

3 New Subparagraph; Notification Requirements. Amend RSA 415:18, VII(g) by inserting after subparagraph (4) the following new subparagraph:

(5) If the insurer fails to comply with the applicable employee notification requirements of RSA 415:18, VII(g)(4), then the insurer shall be liable for lost benefits payable under and according to, the terms of the group policy or contract to the employee resulting from the termination of the employee's benefit plan. Such liability extends only for the period of non-compliance beginning on the date notification of the employee was required under RSA 415:18, VII(g)(4) and ending on the date written notice is deposited in the United States mail. Such liability for insurers is secondary to the employer's liability during this period and becomes primary only after the department of labor advises the insurance commissioner of its determination that the employer is financially unable to pay all or any part of the employee's lost benefits and failed obligations. Such liability for insurers in no way diminishes the employer's liability during this or any period.

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill makes an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payment to the payee.

This bill also requires an insurer or plan administrator to notify an employee prior to certain employee benefit plan terminations. A plan administrator may be liable for lost benefits if such insurer fails to notify the employee.

HB 1508-FN, relative to premiums charged under the workers' compensation assigned risk pool and establishing a committee to study the workers' compensation rate system. REFER FOR INTERIM STUDY

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: The committee felt this bill should be sent to interim study until we can have the time to see how the small risk workers' compensation plan is working. Vote 11-0.

CACR 32, relating to biennial legislative sessions, legislative compensation, and special legislative sessions. Providing that the general court shall meet biennially and at such other times as the senate and house deem necessary; that presiding officers shall no longer receive the extra \$50 compensation but may receive extra payment for services; that the number of

days for which members may receive mileage shall be 3 days per week or 90 days per year; and that 2 sections that permit the governor to adjourn the legislature or to call special sessions shall be repealed. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Moore for Legislative Administration: The committee felt that CACR 32 involved too much reorganization of the legislative process to be undertaken at this time. Vote 10-0.

HB 1298, prohibiting a legislator from becoming a lobbyist until 2 years after the expiration of the legislator's term. **REFER FOR INTERIM STUDY**

Rep. Cynthia A. McGovern for Legislative Administration: The Committee feels some sort of a "revolving door" policy is desirable for the state of New Hampshire. We would like to study particularly the issue of how long a legislator need wait before making the transition to lobbyist. Vote 11-0.

HB 1574, extending the reporting deadline for certain study committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alice Barnard Record for Legislative Administration: The committee concurred the bill was ought to pass in extending reporting deadlines as follows to 1 November 1994, i.e., Real Estate Valuation and Re-Evaluation Study; the study committee submit a report on its findings with recommendations for legislators actions Tax Exempt Property Study; Long Term Care Study, Contracting Services by State, etc. per the bill as written with this act taking effect upon its passage. Vote 11-0.

Amendment (4797B)

Amend the bill by deleting sections 6 and 8 and renumbering sections 7 and 9-12 to read as 6-10, respectively.

HB 1582-FN, relative to state house health services. **OUGHT TO PASS**

Rep. Leona Dykstra for Legislative Administration: This is enabling legislation that allows a procedure to fill the nurse's position when the nurse is unavailable. The position would be on a temporary basis. Vote 10-0.

HR 48, encouraging the speaker of the New Hampshire house of representatives to establish a study committee on the cost and feasibility of televising sessions and committee meetings of the New Hampshire house of representatives. **OUGHT TO PASS**

Rep. Eleanor H. Amidon for Legislative Administration: The committee acknowledges the importance of the issue of state-wide dissemination of information by television and supports any exploration by the speaker on this subject. Vote 10-0.

HB 1226, relative to filling vacancies on the county executive committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert M. Fesh for Municipal and County Government: The amendment replaces the original bill. It gives the county delegations the choice of how they will fill vacancies on the county executive committee when they occur. Vote 16-0.

Amendment (5396B)

Amend the bill by replacing section 1 with the following:

1 New Section; Replacing Members of Executive Committee. Amend RSA 24 by inserting after section 2-a the following new section:

24:2-b Vacancy in Membership of Executive Committee. If a vacancy occurs in the membership of the executive committee, another member of the county delegation shall be elected to fill the vacancy for the unexpired term by a method to be determined by the county delegation at its first meeting convened according to the provisions of RSA 24:9-a. The method determined by the county delegation for filling the vacancy shall remain in effect until it is changed by a vote of the county delegation.

AMENDED ANALYSIS

This bill provides that if a vacancy occurs in the membership of the county executive committee, another member of the county delegation shall be elected to fill the vacancy for the unexpired term by a method to be determined by the county delegation.

HB 1228, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and continuing the fee for a copy of a burial record. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Municipal and County Government: This bill recodifies RSA 289 relative to cemeteries. The subcommittee worked hard to bring the various parties together bringing forth the legislation providing for the protection of old cemeteries and continuing the fee for a copy of the burial record. Vote 17-0.

Amendment (5462B)

Amend the title of the bill by replacing it with the following:

AN ACT

recodifying RSA 289, relative to cemeteries, providing for
the protection of old cemeteries, and relative to the fee
for a copy of a burial record.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this chapter is to clarify the law regarding cemeteries, to remove obsolete sections, to add new sections relative to cemeteries, and to include provisions for the protection of old cemeteries.

2 Cemeteries. RSA 289 is repealed and reenacted to read as follows:

CHAPTER 289

CEMETERIES

289:1 Definitions. In this chapter, unless the context clearly requires otherwise:

I. "Burial ground" means a private cemetery on private property and not available for use by the public.

II. "Burial space" means a lot in any cemetery as designed and intended for the interment of a human body or bodies, but presently not used for such purpose.

III. "Cemetery" means any cemetery owned, managed, or controlled by any municipality within this state or owned and managed by any cemetery corporation chartered the state.

IV. "Cemetery association" means a cemetery corporation, the voting members of which are the owners of burial spaces in the cemetery owned and operated by the association.

V. "Cemetery corporation" means a corporation organized for the purpose of operating a cemetery.

VI. "Cemetery trustees" means town cemetery trustees elected pursuant to the provisions contained in this chapter.

VII. "Corporate officer" means the elected or appointed managing officer of a corporation established to operate a cemetery for public interment.

VIII. "Owner" means any person or persons owning or possessing the privilege, license, or right of interment in any burial space.

289:2 Municipality to Provide. Every municipality shall provide one or more suitable cemeteries for the interment of deceased persons within its boundaries, which shall be subject to such regulations as the municipality may establish. In the absence of regulations established by vote of the legislative body, the cemetery trustees may establish such regulations pursuant to RSA 289:7, I(a). The operation and maintenance of all cemeteries owned and maintained by the municipality shall be in charge of the cemetery trustees.

289:3 Location. All cemeteries and burial grounds shall be laid out in accordance with the following requirements:

I. No cemetery shall be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right of way of any classification of state highway. Existing cemeteries which are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any classification of state highway.

II. Burials on private property, not in an established burial ground, shall comply with local zoning regulations. In the absence of such regulations, such burial sites shall comply with the

requirements in paragraph I. The location of the burial site shall be recorded in the deed to the property upon transfer of the property to another person.

III. New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

IV. Nothing in this section shall be construed to conflict with RSA 290, local ordinances, or cemetery rules concerning burials and disinterments of human remains.

289:4 Maintenance. Every municipality shall raise and appropriate sufficient funds, by taxation or otherwise, to provide for the suitable care and maintenance of the municipal public cemeteries within its boundaries which are not otherwise provided for, and to provide and maintain around all such cemeteries a good and sufficient fence, and to supply the fence with necessary gates. Every municipality may raise and appropriate annually a sufficient sum to provide for the suitable care and maintenance of deserted burial grounds and cemeteries which have been declared abandoned in accordance with RSA 289:20-22.

289:5 Cemetery Records. The corporate officer or designee of a cemetery corporation or town cemetery trustees charged with the responsibility of operation and administration of any cemetery under their control shall keep a record of every burial showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot, plot, or part of such plot or lot, in which the burial was made. Such records shall also be kept of every private burial site within a municipality by the owner of the land containing the burial site, and a copy of the information shall be supplied to the cemetery trustees who will maintain the municipal records of such sites. A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee. The location of each cemetery and private burial site may be annotated on the municipal tax map.

Cemetery Trustees

289:6 Cemetery Trustees.

I. Every municipality shall elect a board of cemetery trustees consisting of 3 members, unless a town at an annual or special town meeting votes that the board shall consist of 5 members. In the initial election of cemetery trustees, they shall be elected by ballot at an annual town meeting. One shall be elected for a one-year term, one for a 2-year term and one for a 3-year term. In towns with a board of 5 trustees the 2 additional trustees shall be appointed by the selectmen, one for one year and one for 2 years. Subsequent trustees shall be elected by ballot at the annual town meeting to replace those whose terms expire. The term of each trustee shall be 3 years. Vacancies shall be filled by the selectmen for the remainder of the term. In cities the trustees shall be chosen and hold their office for such term as shall be provided by city ordinance. Trustees shall organize by electing one of their number chairperson and another bookkeeper, who shall keep the records and books of the trustees, and shall issue vouchers as necessary for funds to be expended. The chairperson and the bookkeeper may be the same member.

II. Any town that has the town manager form of government may vote to not have cemetery trustees by delegating all of the duties and responsibilities of cemetery trustees to the town manager, as specified in RSA 289. This option may be adopted by a vote of the town meeting. The warrant article question to be voted shall be: "Shall we discontinue the board of cemetery trustees by delegating their duties and responsibilities to the town manager." If the majority votes in the affirmative, then the discontinuance shall take effect 90 days after adoption.

III. At any subsequent town meeting the town may vote to reinstate the board of cemetery trustees. A new board of cemetery trustees shall be elected at the town meeting next following the vote to reinstate the board of cemetery trustees.

289:7 Powers and Duties.

I. Except in those municipalities in which other provisions have been made by a general or special act of the legislature, all cemetery trustees in the state shall:

(a) Adopt bylaws and regulations for their transaction of business and for the establishment and management of all municipal cemeteries within their responsibility.

(b) Prepare an annual budget indicating what support and maintenance of the municipal public cemeteries will be required out of public funds for submission to the appropriate agency of the municipality. A separate budget request shall be submitted for planning and establishment of a new public cemetery and for capital improvements or expansion of an existing public cemetery.

(c) Expend all moneys raised and appropriated by the municipality for cemetery purposes. Such funds shall be maintained in the general fund and paid in the same manner that funds of other municipal departments are paid.

(d) Expend income from all trust funds for cemetery purposes in accordance with the conditions of each donation or bequest accepted by the municipality. Such trust funds shall be held in the custody and under the management of the trustees of trust funds. The trust income shall be transferred to the cemetery trustees by the trustees of trust funds in response to vouchers executed by the cemetery trustees, if the requested funds are available. Such trust fund income shall not be commingled with the moneys raised and appropriated by the municipality.

II. Cemetery trustees may appoint a cemetery custodian or sexton who shall not be a trustee and who shall be responsible to the cemetery trustees for supervising work done in the cemeteries.

289:8 Enforcement. Any person designated as a cemetery trustee failing to comply with the provisions of RSA 289:7 shall be guilty of a violation. Any other person who violates this chapter or any regulation established under the authority of this chapter shall be guilty of a violation.

289:9 Use of Trust Funds. Cemetery corporations and the trust fund trustees of municipalities may take and hold funds in trust, and may apply the income of the trust to the improvement, watering, or embellishment of the cemetery, or to the care, preservation, or embellishment of any lot or its appurtenances.

289:10 Investments. Cemetery corporations holding funds in trust as provided in RSA 289:9 may establish, maintain, and operate common trust funds as provided in RSA 31:27-30.

289:11 Accounting. Whenever any cemetery corporation shall take and hold trust funds according to the provisions of RSA 289:9, such corporation shall keep in its books an account of all funds received and held by it in the same manner as required of municipalities, and the account of any such fund shall be open to inspection by any person having an interest in the proper administration of the trust.

289:12 Reports. A copy of the annual financial report of such corporations shall be filed with the attorney general, unless otherwise required by law to file such a report with any town, city, county, or state agency.

289:13 Cemetery Association Termination. Any cemetery laid out by an individual or corporation and located within the municipality, in which all lots have been sold and for the care of which trust funds are held by the municipality, may be deeded to the municipality with no implied financial liability to the municipality for the maintenance of the cemetery over and above the trust fund income, provided the municipality votes to accept such cemetery transfer. Municipalities may raise and appropriate additional funds for the care of such cemeteries. Upon the transfer of the title to the cemetery, the municipal cemetery trustees shall have the sole management responsibility for the cemetery.

289:14 Right of Way to Private Burial Ground. Any person wishing to have a temporary right of entry over private land in order to enter a private burial ground enclosure to which there is no public right of way may apply in writing to the selectmen of a town or the mayor of a city stating the reason for such request and the period of time for which such right is to be exercised. The applicant shall also notify in writing the owner or occupier of the land over which the right of way is desired. The selectmen or mayor, in the exercise of discretion and in consultation with the cemetery trustees, may issue a permit for such temporary right of

entry designating the particular place where the land may be crossed. The owner or occupier of the land may recommend the place of crossing which, if reasonable, shall be the place designated by the selectmen or mayor.

289:15 Discontinuance. Whenever there is a public necessity for the discontinuance of any municipal cemetery and the removal of the remains of persons buried in such cemetery, the cemetery may be discontinued by a 3/4 vote of the legal voters present and voting at any town meeting held for the purpose, or by 3/4 of each board of the city councils present and voting.

289:16 Reinterment. The governing body may, at the expense of the municipality, disinter all the remains of persons buried in such cemetery and reinter the same in the unoccupied part of another cemetery within the municipality, such reinterment to be in the place designated by the nearest surviving relatives of the deceased persons or, in the absence of such surviving relative, by the cemetery trustees. Such removal and reinterment shall be done prudently and with proper care and attention.

289:17 Removal of Monuments. The monuments, gravestones, and other appurtenances attached to the graves shall be carefully removed and properly set up at the place of reinterment with as little injury as the nature of the case will admit. In case of injury to any monument, gravestone, or appurtenance, the damages shall be assessed by the governing body in the same manner and with the same right of appeal as in the case of alteration of the grade of highways.

Abandoned Burial Spaces

289:18 Forfeiture Procedures.

I. Whenever a burial space or spaces in any cemetery subject to the provisions of this subdivision have remained unused for a period of 50 years, and the owner has not improved such space or spaces by causing a monument, gravestone, or other permanent appurtenance to be placed on the burial space, the person, corporate manager, or cemetery trustees having jurisdiction over such cemetery may institute proceedings for the termination and forfeiture of the rights and interests of such owner. All purchase contracts for burial spaces executed after the effective date of this act shall include a notice that his procedure may be invoked in the future.

II. Whenever such person, corporate manager, or board of trustees determines that the conditions stated in paragraph I have been met, then they may send to the owner a notice of the intent to terminate and forfeit the owner's rights, served on the owner personally by a competent person or sent by certified mail with return receipt requested to the owner's last known address.

III. When the owner receives the forfeiture notice, the owner may notify the cemetery management of continued intent to use the space, in which case this procedure shall be cancelled, or the owner may return the space to the cemetery and receive in compensation the same amount the owner paid for the space, less any portion of the original purchase price that was specified for inclusion in a perpetual care trust fund.

IV. If no response is received from the owner for 60 days, the cemetery management may advertise in a paper of local distribution for information regarding the present whereabouts of the owner. If information is forthcoming, the notification process shall be repeated using the new address information. If no information is received, the original purchase contract may be voided and the space sold to a new owner. Any owner contacting the cemetery management after the space has been resold shall be reimbursed the amount he originally paid, including the portion set aside for perpetual care.

Abandoned Burial Grounds

289:19 Neglected Burial Ground. Whenever a burial ground within the boundaries of the town has been neglected for a period of 20 years or more, the municipality may declare it abandoned for purposes of preservation, maintenance or restoration.

289:20 Procedure. To declare a burial ground abandoned:

I. The municipality shall place an advertisement in at least one newspaper having general distribution in the municipality and surrounding area. The advertisement shall state the intent of the municipality, identifying the burial ground by name, if known, and by names and dates of the oldest stones in the burial ground, with a request for any direct descendent

to contact the town selectmen's office, the town manager, or mayor, as applicable. If the burial ground contains no stones with legible inscriptions, the site may be identified by a detailed description of its location.

II. Not less than 60 days nor more than 90 days after the notice of the intent has been published, the notice shall be read at a regularly scheduled selectmen's meeting or in the case of a city, a city council meeting.

III. If any descendants were located and grant permission, or if no descendants were located, then, after a public hearing, the municipality may declare the burial ground abandoned by a majority vote of the selectmen or city councilmen present and voting.

289:21 Rights and Responsibilities. Any burial ground declared abandoned under these provisions shall become a municipal cemetery for management purposes and shall be managed by the cemetery trustees, who shall assume all the authorization and rights of natural lineal descendants.

Prohibited Conduct

289:22 Stone Rubbings. No person shall make gravestone rubbings in any municipal cemetery or burial ground without first obtaining the written permission of the town selectmen or the mayor of a city or designee. Before granting such permission, the selectmen or mayor will ascertain to the best of their ability that the person making the request knows the proper precautions to be taken and the proper materials to be used for this activity. The town selectmen or city mayor or their designee shall notify the cemetery trustees of the request and its disposition. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

289:23 Other Unauthorized Acts. All other unauthorized conduct under RSA 635:6 and 635:7 regarding the abuse of cemeteries shall be penalized as provided in RSA 635:8.

3 Reference Changes. Amend RSA 290:5 to read as follows:

290:5 **Burial Permit** Required. No interment of the dead body of a human being, nor disposition [thereof] *of the body* in a tomb or vault, shall be made without a permit, and only in accordance with it. No disinterment, except as otherwise [herein] provided *in this chapter*, of the dead body of a human being shall be made without a permit from the department of health and human services, division of public health services, countersigned by the local health officer, and only in accordance with such permit. Such disinterment permit shall not be required for removal of such dead body from a tomb or vault for the purpose of burial, for reinterment of dead bodies after discontinuance of a public cemetery, as provided in [RSA 289:10 and 11] *RSA 289:15 and 289:16*, if a body is to be removed within the geographic boundaries of the same cemetery, nor in *a* case where an autopsy has been ordered by a county attorney or the attorney general. No person shall assist in, assent to, or allow an interment or disinterment to be made until a permit has been obtained under this section. Any person who [shall violate] *violates* the provisions of this section [relative to disinterment] shall be [punished as provided in RSA 644:7] *guilty of a misdemeanor*.

4 Care of Cemeteries. Amend RSA 37:6, VII(i) to read as follows:

(i) The care of cemeteries *when the town has adopted the provisions of RSA 289:6, II*.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill recodifies the laws relating to cemeteries by updating obsolete sections. The fee for providing a copy of a burial record is left to the discretion of the municipality.

The bill also provides protection for old cemeteries.

HB 1443-L, relative to town meetings and public hearings in large towns. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Noyes for Municipal and County Government: The state's continuing population growth means more and more towns will face problems already being felt in Salem, where the bill originates. It arises out of experience there, and was written to deal with issues more and more towns can expect to face. The amendments were affirmed by the original authors. Vote 17-0.

Amendment (5448B)

Amend the bill by replacing all after the enacting clause with the following:

1 Petition for Special Town Meeting. Amend RSA 39:3 to read as follows:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. [Upon] *In towns with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the town,* so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31, except that the session 3 weeks before the meeting shall not be required. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town meeting be held on the biennial election day.

2 New Section; Consideration of Warrant Articles. Amend RSA 40 by inserting after section 10 the following new section:

40:11 Consideration of Warrant Articles. In towns with 10,000 or more inhabitants, every article included in a warrant for a town meeting shall be acted upon before final adjournment of the town meeting.

3 New Sections; Authority of Selectmen to Sell Town-Owned Land; Code Amendments. Amend RSA 41 by inserting after section 14 the following new sections:

41:14-a Sale of Town-Owned Land. In towns with 10,000 or more inhabitants, the selectmen shall have the authority to sell town-owned land after they hold 2 public hearings at least 10 but not more than 14 days apart on the proposed sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 10 days nor later than 14 days after the second public hearing which is held. The provisions of this section shall not apply to and the selectmen shall have no authority to sell town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

41:14-b Adoption and Amendment of Town Codes and Ordinances. In towns with 10,000 or more inhabitants, the selectmen shall have the authority to establish, and amend town ordinances and codes after they hold 2 public hearings at least 10 but not more than 14 days apart on the establishment or amendment of the ordinance or code; provided, however, upon the written petition of 50 registered voters presented to the selectmen prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed establishment of or amendment to the town ordinance or code shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 10 days nor later than 14 days after the second public hearing which is held. The provisions of this section shall not apply to the establishment and amendment of a zoning ordinance, historic district ordinance, or building code under the provisions of RSA 675.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes the following changes in the municipal laws for towns with 10,000 or more inhabitants:

(1) Every article in a warrant for a town meeting shall be acted upon before final adjournment of the town meeting.

(2) A special town meeting shall be called upon the written application of 5 percent of the registered voters in the town.

(3) Selectmen shall have the authority to sell town-owned land after holding 2 public hearings on the sale, unless 50 registered voters petition to have the sale placed as an article in the warrant for the town meeting, and the petition is presented to the selectmen prior to the selectmen's vote. The selectmen shall not, however, have the authority to sell town-owned conservation land.

(4) Selectmen shall have the authority to establish and amend town ordinances and codes, except for zoning and historic district ordinances and building codes, after holding 2 public hearings, unless 50 registered voters petition to have the ordinance or code placed as an article in the warrant for the town meeting, and the petition is presented to the selectmen prior to the selectmen's vote.

HB 1469-L, relative to the definition of "impact fee" for the purpose of innovative land use controls. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marian E. Lovejoy for Municipal and County Government: This bill allows for the assessment of an impact fee for the municipal capital facilities portion of a cooperative or regional school district of which the municipality is a member. This assessment can now be made on school buildings solely owned by the municipality. Vote 17-0.

Amendment (5390B)

Amend the bill by replacing section 1 with the following:

1 Assessment of Impact Fee by Municipality in Cooperative or Regional School District. Amend the introductory paragraph of RSA 674:21, V to read as follows:

V. As used in this section "impact fee" means a fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; *the municipal capital facilities portion of a cooperative or regional school district of which the municipality is a member*; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space. No later than July 1, 1993, all impact fee ordinances shall be subject to the following:

AMENDED ANALYSIS

Under present law, a municipality may assess an impact fee for the construction or improvement of certain capital facilities which are owned or operated by a municipality. This bill adds the municipal capital facilities portion of a cooperative or regional school district of which the municipality is a member to those facilities for which an impact fee may be assessed.

HB 1539-FN, establishing an intermodal statewide transportation improvement program for New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for Public Works: The amended bill repeals Chapter 381, 1991, which established a biennial cycle for the 10-year highway program, and establishes in statute (Revised Statutes Annotated) a biennial cycle for a state-wide Transportation Improvement Program (STIP) required by the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and recently published federal regulations establishing the programming process. Hereafter the state's program will address all surface transportation modes, not just highways and bridges. Moreover, this amended bill provides that the several rural Regional Planning Commissions (RPC) shall perform the same tasks in assembling regional Transportation Improvement Programs (TIP) as is mandated by the federal regulations for the Metropolitan Planning Organizations (MPO). The amendment eliminates any fiscal impacts. Vote 13-0.

Amendment (5156B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a statewide intermodal transportation planning and improvement program.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Statewide Intermodal Transportation Planning and Improvement Program. Amend RSA 228 by inserting after section 97 the following new subdivision:

Statewide Intermodal Transportation Planning and Improvement Program

228:98 Statement of Purpose. The purpose of this subdivision is to enable New Hampshire to respond to the planning and improvement objectives of the federal Intermodal Surface Transportation Efficiency Act, as amended.

228:99 Statewide Transportation Improvement Program (STIP). The governor shall develop a statewide transportation improvement program as required by 23 U.S.C. sections 134 and 135, as amended. The governor shall revise and update the program every 2 years. Adoption of the STIP and revised STIP shall be as follows:

I. Each metropolitan planning organization and rural regional planning commission shall reach agreement with the department of transportation relative to funding unified planning work programs consistent with 23 U.S.C. sections 134 and 135 no later than December 1 of each even-numbered year. Each metropolitan planning organization and rural regional planning commission shall provide TIP to the department of transportation no later than April 1 of each odd-numbered year. Such plans shall include a public involvement plan and education initiative to ensure early and adequate input from residents, municipalities and any other interested parties in New Hampshire.

II. The commissioner shall submit the tentative STIP in accordance with the state planning process as required in 23 U.S.C. section 135 to the governor's advisory commission on intermodal transportation no later than July 1 of each odd-numbered year.

III. The governor's advisory commission on intermodal transportation shall conduct at least one public hearing in each executive council district to present the tentative STIP to the public and to receive the public's comments and recommendations regarding the program. The governor's advisory commission on intermodal transportation shall submit such program along with the commission's recommendations to the governor no later than December 1 of each odd-numbered year. Each metropolitan planning organization and rural regional planning commission should conduct an informational meeting after the commission submits its recommendations to receive the public's final comments and recommendations regarding the proposed programs before adoption by the governor.

IV. The governor shall submit the STIP to the general court to be acted on no later than January 15 of each even-numbered year. After an enactment by the general court of the STIP or by June 1 of each even-numbered year, whichever is earlier, each metropolitan planning organization and rural regional planning commission should continue its public involvement program by conducting at least one informational meeting concerning the STIP.

228:100 Governor's Advisory Commission on Intermodal Transportation (GACIT) Established. There is established a governor's advisory commission on intermodal transportation. The members of the commission shall include the members of the executive council and the commissioner of the department of transportation.

2 Repeal. 1991, 381, relative to a long-range highway and bridge construction program, is repealed.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill:

- I. Establishes a statewide intermodal transportation planning and improvement program.
- II. Establishes the governor's advisory commission on intermodal transportation.

HB 1312, prohibiting wholesalers from delivering beer in kegs to the general public. **IN-EXPEDIENT TO LEGISLATE**

Rep. Thomas A. Behrens for Regulated Revenues: Testimony presented to the committee indicated that keg beer consumption continues on campuses across the state. The unanimous

feeling of the committee was that by restricting one class of licensee from selling keg beer would merely transfer sales to alternative licensees. We feel that the solution to the problems highlighted lies in local bylaws and ordinances. Vote 12-0.

HC 31, urging that the northern forest of New Hampshire continue to be used to provide jobs for timber industry, recreation, and tourism. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marion L. Copenhaver for State-Federal Relations: This House Concurrent Resolution urges Congress to support the northern forest land council's final recommendations and to protect the right of self-determination for the citizens of Coos County. Vote 10-0.

Amendment (5023B)

Amend the resolution by replacing all after the title with the following:

Whereas, Congress recognized the northern forest region of Maine, New Hampshire, Vermont, and New York when the northern forest lands study was authorized in 1988; and

Whereas, the governor of the state of New Hampshire recognized the importance of this effort when he appointed the New Hampshire members of the governors' task force on northern forest lands in 1988; and

Whereas, this commitment was extended when the governor of the state of New Hampshire appointed the New Hampshire members of the northern forest lands council in 1991; and

Whereas, the council's purpose is to study and issue recommendations to the 4 states' governors and congressional delegations on how to "reinforce the traditional patterns of land ownership and use that have characterized the northern forest region, enhance the quality of life for local residents through the promotion of economic stability, encourage the production of a sustainable yield of forest products, and protect recreational, wildlife, scenic and wild-land resources" in a region of 26 million acres which includes most of northern New Hampshire; and

Whereas, northern New Hampshire is supported by an economy closely associated with the land and its varied products, and includes some of the state's most productive forests and farms, pristine wild areas, clean water, habitat for a diversity of game and non-game wildlife, and both public and private lands for outdoor recreation; and

Whereas, the council will issue final recommendations in July, 1994 that will establish a framework for the state to address some of northern New Hampshire's most pressing social and environmental problems and opportunities; now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of the state of New Hampshire shall give due consideration to the rights and interests of the people of northern New Hampshire, with respect to any final recommendations of the northern forest lands council, and shall commit itself to a thorough review of these final recommendations; and

That the general court call upon the New Hampshire congressional delegation in deliberation of the recommendations of the northern forest lands council, to give due consideration to the rights, interests and well-being of the people of northern New Hampshire, and to respect the right of self-determination that must underlie any successful resolution of the problems and opportunities arising from the issuance of the council's final report; and

That copies of this resolution be forwarded by the clerk of the house to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This concurrent resolution urges Congress to support the northern forest lands council's final recommendations and to protect the right of self-determination for the citizens of northern New Hampshire.

HJR 21, urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States. **OUGHT TO PASS**

Rep. Carol H. Holden for State-Federal Relations: The House resolution urges the President and Congress to petition France for the remains of certain Native Americans, including those of Chief Passaconaway of Penacook. Native American groups in the state support this resolution. Vote 10-0.

HB 1173, prohibiting a right turn on red when a walk signal is on. **OUGHT TO PASS**

Rep. Emma M. Dodge for Transportation: This bill prohibits any vehicle from making a right hand turn on a red light when a steady or flashing walk signal is displayed. Vote 14-0.

HB 1283, relative to transporting trash and scrap metal. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: The intent of this bill is to add light scrap metals and loose trash to the law concerning trucks that require the covering of their loads. This bill will also tighten up existing laws and add fines concerning the proper covering of sand and gravel-type loads. Vote 13-1.

Amendment (5566B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to transporting loads on highways and establishing fines.

Amend the bill by replacing all after the enacting clause with the following:

1 Spillage of Material. RSA 266:72 is repealed and reenacted to read as follows:

I. No vehicle shall be driven or moved on any way unless such vehicles is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a way in cleaning or maintaining such way.

II. No vehicle shall be driven or moved on any highway when any load on such vehicle is not entirely within the body of the vehicle; provided that this prohibition shall not apply if the load is securely fastened by means of clamps, chains, ropes, straps, cargo nets, or other suitable mechanical device to prevent such load from dropping onto the highway or from shifting in any manner and further, no vehicle shall be operated on any highway with any load thereon projecting beyond the extreme width of the vehicle.

III. No vehicle shall be driven or moved on any highway with any load if the load is not entirely covered and secured by a cargo net, tarpauling, canopy, or other material designed to cover the load to prevent the load from escaping from the vehicle, where the load consists partially or entirely of loose paper, loose rubbish, plastics, empty cartons, dirt, sand, gravel, or light metals.

IV. No vehicle shall be driven or moved on any highway with a load consisting of rocks, stones, or boulders if the load, at its peak, extends above any point on a horizontal plane equal in height to the top of the side, front, or rear part of the cargo container area that is the least in height.

V. This section shall not apply to a local farmer transporting his own farm products or materials incidental to his farming operations where such transporting requires incidental use of a way provided that such farmer shall not thereby be relieved of his duty to exercise reasonable care in carrying on such operations.

VI. The provisions of paragraph II shall not apply to:

(a) The operation of highway building equipment as defined in RSA 259:42 and motor vehicles used in the construction of highways provided that such equipment or motor vehicle is used within a highway construction zone as prescribed by the commissioner, public works and highways, provided that the driver of any such vehicle shall not thereby be relieved of his duty to exercise reasonable care.

(b) The operation of municipal and state highway maintenance equipment.

VII.(a) Any person who violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

(b) In addition, any person who violates the provisions of this section shall be subject to the following fines:

(1) Not less than \$250 and not more than \$500 for a first offense.

(2) Not less than \$500 and not more than \$750 for a second or subsequent offense.

(c) In imposing a fine under this paragraph, the court, in its discretion may apportion payment of the fine between the driver of the vehicle and the owner of the vehicle according to the court's determination of the degree of fault for the violation.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires anyone transporting loose paper, loose rubbish, plastics, empty cartons, dirt, sand, or gravel to entirely cover and secure the load.

The bill imposes fines for violations.

HB 1367, creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thaddeus E. Klemarczyk for Transportation: The Committee felt that this is a good bill as it encompasses members of various planning agencies as part of a study committee for mass transportation and air quality projects throughout the state. Also, the advisory study committee will be in conjunction with a consulting agency contracted by the Department of Transportation. Vote 13-0.

Amendment (5458B)

Amend the bill by replacing sections 1 and 2 with the following:

1 Advisory Committee Established; Duties. There is established an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation. The committee shall review materials developed in the course of study, provide policy guidance to the department, and attend workshops at various locations across the state.

2 Committee Membership.

I. The committee shall be composed of the following:

- (a) Two representatives, appointed by the speaker of the house.
- (b) Two senators, appointed by the senate president.
- (c) One member representing metropolitan planning organizations, appointed by the New Hampshire Association of Regional Planning Commissions.
- (d) One member representing rural planning commissions, appointed by the New Hampshire Association of Regional Planning Commissions.
- (e) Four elected local officials, appointed by the New Hampshire Municipal Association.
- (f) Two members of the public with experience in local or regional transportation planning, appointed by the governor.

(g) The commissioner of the department of transportation, or designee.

(h) The commissioner of the department of environmental services, or designee.

II. The commissioner of the department of transportation or designee, as provided in subparagraph I(g), shall call the first meeting. At the first meeting, the committee shall elect a chairperson and a vice-chairperson from its membership.

HB 1378, allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth W. Malcolm for Transportation: This bill will enable a nonprofit agency which serves persons with walking disabilities to be issued limited numbers of walking disability placards to better serve its needs. The nonprofit agency director will control said placards within the organization and be accountable for their proper use. Vote 14-0.

Amendment (5441B)

Amend the bill by replacing section 1 with the following:

1 Placards Available to Individuals and Nonprofit Agencies Serving Walking Disabled. Amend RSA 261:88, V to read as follows:

V. Upon application, the department shall furnish a hanging windshield placard without charge to a person with a walking disability who satisfactorily furnishes proof of such disability to the director. *Any nonprofit agency serving a person with a walking disability may apply to the department for a hanging windshield placard. An applicant for such placard shall furnish the director with satisfactory proof, as the director may require, that the applicant will use the placard solely for the transportation of a person with a walking disability. The quantity of placards issued under this paragraph shall be at the discretion of the director.* This placard shall meet the standards set forth in 23 CFR Part 1235, Appendix A.

The removable windshield placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. The application for such a placard shall be accompanied by the certification of a licensed physician *or the area agency director* that the applicant meets the definition set forth in paragraph 1 of persons with walking disabilities. The placard shall expire 3 years from the date of issuance, and the expiration date shall be noted on the placard. The placard shall be renewed, upon application on forms provided by the director, if the director determines that the disability which necessitated the issuance of the placard continues. Upon request of the applicant, the director shall issue one additional placard to the applicant if the applicant does not have special license plates.

AMENDED ANALYSIS

This bill allows nonprofit agencies serving disabled persons to apply for walking disability placards to be used when transporting a person with a walking disability.

HB 1419-FN-LOCAL, relative to calculation of fees for motor vehicle registration permits. OUGHT TO PASS

Rep. Thaddeus E. Klemarczyk for Transportation: Passage of this bill will lessen the work load required by the town clerks. Also, it will be in conformity with the other 49 states as to the registration of motor vehicles based on the model year of the motor vehicle rather than the year of manufacture. The New Hampshire Auto Dealers Association is in strong support of this bill as well as the Association of City and Town Clerks. Permit fees shall be based on the list price for the model year of the motor vehicle. Vote 14-0.

HB 1436, exempting vessels in the federal channel from reduced speed requirements and eliminating the requirement that children 5 years of age or under wear personal flotation devices when they are in an enclosed cabin area of a boat. OUGHT TO PASS WITH AMENDMENT

Rep. George N. Katsakiores for Transportation: The Committee, in several work sessions, refined the requirements of certain vessels operating on water and exempts vessels in the federal deep water shipping channel of the Piscataqua River from reduced speed requirements. Vote 10-0.

Amendment (5335B)

Amend the title of the bill by replacing it with the following:

AN ACT

exempting vessels in the federal channel from reduced speed requirements.

Amend the bill by replacing all after the enacting clause with the following:

1 Exemptions for Certain Vessels Operating on Water. RSA 270-D:2, VI is repealed and reenacted to read as follows:

VI.(a) To provide full visibility and control and to prevent their wake from being thrown into or causing excessive rocking to other boats, barges, water skiers, aquaplanes or other boats, rafts or floats, all vessels shall maintain headway speed when within 150 feet from:

- (1) Rafts, floats, swimmers.
- (2) Permitted swimming areas.
- (3) Shore.
- (4) Docks.
- (5) Mooring fields.
- (6) Other vessels.

(b) These requirements shall not apply when:

(1) Starting skiers from shore, docks or floats, as long as neither the boat nor the skier is endangering the life or safety of any person.

(2) A vessel is in the federal deepwater shipping channel of the Piscataqua river between navigation buoys R2, Wood Island at the mouth of the river and R12, opposite the Sprague Terminal.

(c) The operator of a towing boat shall be responsible for compliance with this paragraph.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill exempts vessels in the federal channel from reduced speed requirements.

HB 1509, authorizing the department of safety, division of safety services to permit the wearing of non-Coast Guard approved personal flotation devices. OUGHT TO PASS WITH AMENDMENT

Rep. Bernard J. Raynowska for Transportation: This bill will exempt those participants from the requirement of wearing personal flotation devices during show time. By passing this bill, the American Water Ski Association will come to New Hampshire to put on shows. Vote 13-0.

Amendment (5291B)

Amend the title of the bill by replacing it with the following:

AN ACT

exempting persons participating in an American Water Ski Association event from the wearing of certain personal flotation devices.

Amend the bill by replacing all after the enacting clause with the following:

1 Exemption Added. Amend RSA 270-D:3, V to read as follows:

V. No person shall be towed on water skis or other appurtenances unless the person is wearing a Coast Guard approved type 1, 2, or 3 PFD *except when directly participating or competing in an American Water Ski Association approved event or exhibition, authorized by a special permit issued by the director of safety services.*

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill exempts any person directly participating or competing in an American Water Ski Association event approved by the department of safety, from the law requiring persons to wear personal flotation devices.

HB 1143, increasing the penalties for illegal clamming. OUGHT TO PASS WITH AMENDMENT

Rep. Henry W. Coulombe for Wildlife and Marine Resources: It is felt by the committee that a valuable resource is being stolen from the public and the penalty for violators should be stiffened to deter poachers. Vote 10-2.

Amendment (4712B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

HB 1170, allowing patients at Friendship House in Bethlehem to fish without a license. REFER FOR INTERIM STUDY

Rep. Linda Ann Smith for Wildlife and Marine Resources: After considerable deliberation and soul searching, the majority of the members of Wildlife and Marine Resources voted to refer this bill to interim study. While we agree people with special needs should be awarded the privilege of a free fishing license, we are concerned with the influx of requests from residents seeking the privilege. We, along with Fish and Game, feel the need to establish criteria for eligibility. Vote 10-3.

HB 1403, requiring the department of fish and game to suspend a fish and game license agent's contract for at least one year upon violation of the terms of the agreement. OUGHT TO PASS WITH AMENDMENT

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill increases the penalty for breach of contract by agents selling licenses and not meeting the requirement of either a previous hunting license or a hunter safety course for issuance of the license. Vote 14-0.

Amendment (5350B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year upon failing to require necessary proof for the issuance of a license and making such person guilty of a class B misdemeanor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Fish and Game License Agent; Penalty Added. Amend RSA 214:37 by inserting after paragraph III the following new paragraph:

IV. Any license agent who knowingly fails to require proof of all criteria established pursuant to RSA 214:23-a and necessary for the issuance of a license from any person shall lose the authority to issue any license for not less than one year and shall be guilty of a class B misdemeanor.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill also requires the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year and makes such agent guilty of a class B misdemeanor, if such agent fails to require proof of certain criteria necessary for the issuance of a license.

HB 1440-FN, establishing a license and fee requirement for tidal waters netting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. McGuirk for Wildlife and Marine Resources: This bill allows the aquaculture of oysters under current law pursuant to the recommendations of the shellfish management study committee. It also repeals the requirement to affix the waterfowl stamp to the license and redefines the term of the waterfowl stamp to make the State's stamp consecutive with the Federal stamp. The final section allows the Fish and Game Department to establish accounts for permit programs that will allow such programs to utilize the funds they generate. Vote 12-0.

Amendment (5435B)

Amend the title of the bill by replacing it with the following:

AN ACT

permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Taking of Oysters Permitted. Amend RSA 211:53 to read as follows:

211:53 Sale Prohibited. No person shall at any time sell or take for sale oysters from the waters under the jurisdiction of the state *except as provided for in RSA 211:62-e*.

2 Requirement to Affix Waterfowl Stamp to License Repealed. Amend RSA 214:1-d, I to read as follows:

I. No person shall at any time hunt, shoot, pursue, kill or take migratory waterfowl without first procuring, in addition to the applicable hunting license required by RSA 214 and the federal duck stamp required by RSA 209:6, a stamp to do so under RSA 214:9, XII, for the same period. The stamp must be [permanently affixed to the back of the hunting license and] signed across the face in a permanent manner with the applicant's signature. A person under the age of 16 years may hunt, shoot, pursue, kill or take migratory waterfowl without such a stamp, provided that, while so doing, he is accompanied by an adult who has procured such a stamp. For the purpose of this section "migratory waterfowl" shall mean ducks, mergansers, coots, geese and brant.

3 Term of Waterfowl Stamp Defined. Amend RSA 214:9, XII to read as follows:

XII.(a) If the applicant wishes to hunt migratory waterfowl, \$4.00, and the agent shall thereupon issue a state migratory waterfowl stamp which shall entitle the licensee to hunt, shoot, kill and take migratory waterfowl during such time and in such manner and numbers as may be allowed under RSA 209:6. The agent shall be entitled to retain a fee of \$.50 for each migratory waterfowl stamp sold and all migratory waterfowl stamps sold at the department headquarters or any subagency thereof shall charge the same fee which shall be credited to the general fish and game fund.

(b) *Notwithstanding any of the general provisions for the expiration of fish and game licenses, any state migratory waterfowl stamp issued under subparagraph (a) shall expire on June 30 of each year.*

4 New Paragraph; Nonlapsing Account Established. Amend RSA 214:9-e by inserting after paragraph III the following new paragraph:

IV. The state treasurer shall establish a separate nonlapsing account within the fish and game fund for each such stamp or permit, to which all fees collected by the fish and game department from such stamps or permits shall be applied. The moneys in these accounts shall be used exclusively for the implementation of comprehensive management programs, including education, research, protection and management, and are hereby appropriated for said purpose.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Permits the aquaculture of oysters.

II. Repeals the requirement that a person affix waterfowl stamps to the back of the hunting license.

III. Clarifies the expiration date of issued waterfowl stamps.

IV. Establishes a nonlapsing account within the fish and game fund for stamp and permit fees for implementation of comprehensive management programs.

REGULAR CALENDAR

HB 260-FN-A, establishing a used oil collection program and an automotive oil fee to fund such program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Appropriations: This bill establishes a fee on the imported automotive oil so that DES may add a municipal assistance feature to the current used oil program, aimed specifically at the problems of household oil disposal. The \$0.04 fee per gallon of imported automotive oil is decreased to \$0.01 gallon after four years to maintain the existing program. The Appropriations Committee amendment credits the revenues received for FY 95 to the Hazardous Waste Disposal Fund (PAU 03-04-05-01-01) and appropriates funds for 1 (one) temporary waste management specialist for the term of the enhanced used oil program, and deletes the legislatively-mandated performance audit. Vote 19-1.

Amendment (5503B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services.

Amend the bill by replacing all after section 10 with the following:

11 Automotive Oil Fee Decreased. Amend RSA 147-B:12, I to read as follows:

I. A fee of [~~\$0.04~~] **\$0.01** per gallon of automotive oil shall be assessed at the time of import to this state. Persons licensed under RSA 146-A:11-b, II shall be liable for payment of this additional fee which shall be collected and enforced by the department of safety in the manner described in RSA 146-A:11-b. The division of waste management may waive all or any portion of penalties or interest for good cause. All fee revenues shall be deposited in the hazardous waste cleanup fund in accordance with RSA 147-B:6, I-d.

12 Positions Authorized; Motor Vehicle Prohibition. The department of environmental services may use revenues collected under RSA 147-B:12 to employ a waste management specialist III. The department may also use such revenues until June 30, 1998, to employ a waste management specialist II. The revenues shall not be used to purchase any motor vehicles.

13 Supplemental Appropriation to Department of Environmental Services. The following amounts are appropriated to the following line items in PAU 03, 04, 05, 01, 01, in addition to any other sums appropriated for fiscal year 1995:

		<i>FY 1995</i>
18 Overtime		2,000
20 Current expenses		6,800
30 Equipment new/replacement		15,000
49 Transfers to other state agencies	D	5,125
59 Part-time benefited		27,924
60 Benefits		8,656

70 In-state travel		3,000
80 Out-of-state travel		1,000
92 Training		200
93 Grants to coll ctrs		75,000
94 Education seminars		7,500
96 Medical monitoring		400
97 Disposal-tainted oil		10,000
Total		162,605
Estimated source of funds for hazardous waste cleanup fund		
03 Revolving funds	I	162,605
Total		162,605

14 Repeal. The following are repealed:

- I. RSA 147-B:2, VIII-c, relative to the definition of "marketer."
- II. RSA 147-B:2, VIII-d, relative to the definition of "act of marketing."
- III. RSA 147-B:8, I-a, relative to the fee on used oil.

15 Effective Date.

- I. Section 11 of this act shall take effect July 1, 1998.
- II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes a used oil collection program which grants authority to the division of waste management to:

(a) Award grants to political subdivisions of the state to establish or improve used oil collection centers.

(b) Develop an educational program on the proper use, handling, and disposal of used oil.

(c) Impose an automotive oil fee to fund the program.

The bill eliminates a \$.02 per gallon used oil marketer fee; establishes a \$.04 per gallon advanced disposal fee on virgin motor oil; provides 4 years of grant funding to municipalities to set up used oil collection centers; and sunsets the \$.04 per gallon fee and municipal grants after 4 years.

This bill also makes a supplemental appropriation to the department of environmental services.

Adopted.

Report adopted and ordered to third reading.

HB 1162-FN, authorizing the department of environmental services, division of water resources, to acquire certain dams. REFER FOR INTERIM STUDY

Rep. Charles L. Vaughn for Appropriations: The following questions, among others, should be resolved before these dams are acquired by the state: legal cost associated with closing and preparation of deeds; any liens or encumbrances; water rights associated with the dams and surrounding properties; and any claims the state of Maine has to the dams and adjacent properties. Vote 17-0.

Adopted.

HB 1272-FN, requiring the pari-mutuel commission to pay for laboratory urine tests from a special escrow account. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Appropriations: It was felt by the committee that the lab fee for urine tests was particularly onerous on the Lakes Region track. Therefore this bill relieves it of this obligation and adjusts the budget to allow the pari-mutuel shortfall to be made up from the general fund. Vote 11-6.

Amendment (5374B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the pari-mutuel commission to pay for certain laboratory urine tests.

Amend the bill by replacing all after section 1 with the following:

2 Pari-Mutuel Commission. Amend PAU 02, 08, 02 as inserted by 1993, 349:1 as follows:

	<i>FY 1994</i>	<i>FY 1995</i>
Strike out:		
09 Agency income	\$404,493	\$419,817
Insert in place thereof:		
09 Agency income	397,493	404,817
Insert:		
General fund	7,000	15,000
3 Effective Date. This act shall take effect upon its passage.		

AMENDED ANALYSIS

This bill allows the pari-mutuel commission to pay for the costs of certain laboratory urine tests of licensees required under RSA 284:20-e.

This bill also changes the source of funding for laboratory testing.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDER

Rep. Schotanus moved that **HB 1382**, creating a special committee to study the turnpike toll collection system and make recommendations, be made a special order for March 17.

Adopted.

REGULAR CALENDAR (Cont'd)

HB 1514-FN-L, establishing a "gifted and talented program" for certain public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Charles W. Ferguson for Appropriations: The committee did not feel it could justify spending at this time \$465,450, which could increase to \$1 million by 1998 for this new educational program, although the program had merit. Vote 10-7.

Rep. Durham moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Ferguson spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Schotanus spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 157 NAYS 187

YEAS 157

BELKNAP

Campbell, Richard, Jr.	Hawkins, Robert	Laflam, Robert	Salatiello, Thomas
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CARROLL

None

CHESHIRE

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Kingsbury, H. Thayer
Metzger, Katherine	Richardson, Barbara	Robertson, Timothy	Royce, H. Charles

COOS

Bradley, Paula	Coulombe, Henry	Harwell, Tyler	Mears, Edgar
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GRAFTON

Below, Clifton	Brown, Alson	Brown, Patricia	Copenhaver, Marion
Crory, Elizabeth	Gordon, Edward	Guest, Robert	Ham, Bonnie
Larson, Nils, Jr.	McIlwaine, Deborah	Nordgren, Sharon	Ward, Kathleen

HILLSBOROUGH

Ahern, Richard
 Bergeron, Lucien
 Cepaitis, Elizabeth
 Donovan, Francis
 Fields, Dennis
 Gervais, Glen
 Hart, Nick
 Johnson, Lionel
 Laughlin, J. Francis
 O'Hearn, Jane
 Reidy, Frank
 Sullens, Joan

Ahrens, Frederick
 Bergeron, Normand
 Clemons, Jane
 Drabinowicz, A. Theresa
 Foster, Linda
 Greenberg, Gary
 Healy, Daniel
 Kurk, Neal
 Lessard, Rudy
 Paquette, Rodolphe
 Smith, Leonard
 Tate, Joan

Allen, W. Gordon
 Borsa, Andrew
 Cote, David
 Durham, Susan
 Franks, Suzan
 Haettenschwiller, Alphonse
 Holt, Mark
 L'Heureux, Robert
 Messier, Irene
 Perkins, Paul
 Soucy, Donna
 Toomey, Kathryn

Asselin, Robert
 Buckley, Raymond
 Cowenhoven, Garret
 Dwyer, Patricia
 Gage, Ruth
 Hanselman, Gregory
 Jean, Claudette
 Lachut, Ervin
 Moore, Elizabeth
 Philbrook, Paula
 Stewart, Thomas
 White, John

MERRIMACK

Braiterman, Thea
 Coughlin, Anne
 Fillion, Paul
 Houlahan, Thomas
 Moore, Carol
 Stapleton, Henry
 Yeaton, Charles

Buessing, Marjorie
 Daneault, Gabriel
 French, Barbara
 Kennedy, Richard
 Newland, Matthew
 Teague, Bert

Carter, Susan
 Dunn, Miriam
 Hager, Elizabeth
 Kidder, William
 Rogers, Katherine
 Trombly, Rick

Chandler, John
 Feuerstein, Martin
 Hall, Douglas
 Mitchell, Vernon
 Shaw, Randall
 Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
 Christie, Andrew, Jr.
 DiPietro, Carmela
 Hazelton, Robert
 O'Keefe, Patricia
 Rosencrantz, James
 St. Martin, Tommy
 Williamson, William

Battles, Marjorie
 Clark, Martha
 Flanders, David
 Hurst, Sharleene
 Pantelakos, Laura
 Schanda, Joseph, Sr.
 Syracuse, Anthony

Campbell, Marilyn
 Clark, Vivian
 Gargiulo, Louis
 Hutchinson, Karen
 Pratt, Katharin
 Skinner, Patricia
 Vaughn, Charles

Caswell, Albert, Jr.
 Crossman, Harold, Jr.
 Groves, Bonnie
 McGovern, Cynthia
 Ritzo, Eugene
 Splaine, James
 Warburton, Calvin

STRAFFORD

Brown, George
 Dunlap, Patricia
 Keans, Sandra
 McCann, William, Jr.
 Pelletier, Arthur

Callaghan, Frank
 Gilmore, Gary
 Knowles, William
 McGrath, J. Gregory
 Snyder, Clair

Chagnon, Ronald
 Hemon, Roland
 Loder, Suzanne
 McKinley, Robert
 Sullivan, Henry

Douglass, Clyde
 Hilliard, Dana
 Lundborn, Raymond
 Merrill, Amanda
 Wheeler, Katherine

SULLIVAN

Allison, David
 Holl, Ann

Burling, Peter
 Kane, Joan

Cloutier, John
 Stamatakis, Carol

Flint, Gordon

NAYS 187**BELKNAP**

Bartlett, Gordon
 Hauck, William
 Rosen, Ralph
 Ziegler, Alice

Cain, Thomas
 Holbrook, Robert
 Smith, Linda

Dewhirst, Glenn
 Johnson, Carl
 Turner, Robert

Golden, Paul
 Lawton, David
 Young, Niel

CARROLL

Beach, Mildred
 Foster, Robert
 Saunders, Howard

Bradley, Jeb
 Lyman, L. Randy
 Wiggin, Gordon

Chandler, Gene
 Mock, Henry

Dickinson, Howard, Jr.
 Philbrick, Donald

CHESHIRE

Delano, Robert
 Pearson, Gertrude

Hunt, John
 Pratt, Irene

Manning, Joseph
 Smith, Edwin

McNamara, Wanda

COOS

Guay, Lawrence
Merrill, Gerald

Hawkinson, Marie
Pratt, Leighton

Horton, Lynn

Mayhew, Josephine

GRAFTON

Adams, Carl
Eaton, Stephanie
Scanlan, David

Bean, Pamela
Hill, Richard
Teschner, Douglass

Chase, Paul, Jr.
LaMott, Paul
Trelfa, Richard

Driscoll, William
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Amidon, Eleanor
Bowers, Dorothy
Crotty, Edward
Dodge, Emma
Fenton, James
Holden, Carol
Jean, Loren
Lefebvre, Roland
McRae, Karen
Moncrief, Keith
Nardi, Theodora
Record, Alice
Sallada, Roland
Upton, Barbara
Wright, George

Andrews, Frederick
Burke, M. Virginia
Daigle, Robert
Drolet, Paul
Ferguson, Charles
Holley, Sylvia
Kelley, Dana
Lown, Elizabeth
Mercer, Robert
Morello, Michael
Packard, Bonnie
Rheault, Lillian
Searles, Stanley, Sr.
Weergang, Alida

Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Daniels, Gary
Dyer, Merton
Gagnon, Eugene
Hunter, Bruce
Kelley, Robert
Lozeau, Donnalee
Milligan, Robert
Morrisette, Roland
Pepino, Leo
Riley, Frances
Soucy, Richard
Wells, Peter, Sr.

Bagley, Amy
Chabot, Robert
Desrosiers, William
Dykstra, Leona
Gosselin, Gerald
Jasper, Shawn
Kirby, Thomas
McCarty, Winston
Mittelman, David
Murphy, Robert
Peters, Stanley
Rothhaus, Finlay
Turgeon, Roland
Wheeler, Robert

MERRIMACK

Barberia, Richard
Holmes, Mary
Owen, Derek
Whalley, Michael

Chandler, Earle
Langer, Ray
Pfaff, Terence
Willis, Jack

Gilbreth, Robert
Lockwood, Robert
Regan, Maurice

Hess, David
Nichols, Avis
Weeks, John, Jr.

ROCKINGHAM

Arndt, Janet
Boucher, William
Chester, Sherman
Cote, Patricia
Dube, LeRoy
Flanders, John, Sr.
Johnson, Robert
Klemarczyk, Thaddeus
Lovejoy, Marian
Moore, Benjamin
Putnam, Ed, II
Smith, Arthur
Sytek, John
Yennaco, Carol

Beaulieu, Jon
Bove, Martin
Coes, Betsy
Dowd, Sandra
Felch, Charles, Sr.
Gage, Beverly
Kane, Cecelia
Klemm, Arthur, Jr.
MacDonald, Maurice
Noyes, Richard
Raynowska, Bernard
Stone, Joseph
Welch, David

Bell, Juanita
Buco, Stephen
Conroy, Janet
Dowling, Patricia
Fesh, Robert
Gorman, Donald
Katsakiores, George
Kruse, Fred
Malcolm, Kenneth
Packard, Sherman
Rubin, George
Stritch, C. Donald
Weyler, Kenneth

Blake, Daniel
Case, Margaret
Cote, Charles
Drake, Herbert
Flanagan, Natalie
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
McKinney, Betsy
Pullman, Robert
Senter, Marilyn
Sytek, Donna
Woods, Deborah

STRAFFORD

Hashem, Elaine
Torr, Franklin
Wasson, Richard

Nehring, William
Torr, Ralph

Spear, Barbara
Vincent, Francis

Torr, Ann
Wall, Janet

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene
Schatanus, Merle

Palmer, Lorraine

Peyron, Fredrik

and the motion failed.

Report adopted.

HB 1523-FN-A, establishing a state veterans' cemetery and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: This bill, as amended, appropriates \$1.5 million for the design and construction of a state veterans' cemetery. 65% of the funds appropriated are from federal or other sources and \$525,000 is bonded. Design and construction oversight is provided by an Oversight Committee with the restriction that funds appropriated cannot be obligated or encumbered without approval of the Capital Budget Overview Committee. Vote 16-1.

Amendment (5405B)

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; State Veterans' Cemetery.

I. The sum of \$1,500,000 is appropriated to the oversight committee established in section 4 of this act for the biennium ending June 30, 1995, for the purpose of the layout, design and construction of a state veterans' cemetery. The funds appropriated in this section shall not be spent, obligated or encumbered without the approval of the capital budget overview committee.

II. Of the total sum appropriated in paragraph I, 65 percent or \$975,000 shall be from federal or other sources.

III. Any land donated for the purpose of creating the state veterans' cemetery shall be used as a soft match for the purpose of securing any federal funds.

2 Bonds Authorized. To provide funds for the state funds appropriated in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state an amount not exceeding the sum of \$525,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

3 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are or become available for this project beyond the estimated amounts. The net appropriation of state funds for this project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 2 shall be reduced by the same amount.

4 Oversight Committee Established. There is established a committee to oversee the establishment of a state veterans' cemetery and the expenditure of funds appropriated for such cemetery. The committee shall consist of the following members:

I. The governor or designee.

II. Three house members, appointed by the speaker of the house.

III. Three senators, appointed by the senate president.

IV. One member of the state veterans' council, appointed by the council.

V. One member of the state veterans' needs committee, appointed by the committee.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes an appropriation for the construction of a state veterans' cemetery. An oversight committee is created to oversee the construction of the cemetery.

This bill was requested by the state veterans' cemetery site selection committee established in 1992, 136, as amended by 1993, 194.

Rep. Guest spoke against.

Rep. Schotanus spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 1532-FN-L, requiring the division of public health services to establish a needle exchange program and making an appropriation therefor. **OUGHT TO PASS**

Rep. Patricia A. Dowling for Appropriations: The majority of the committee felt that the one-time appropriation of \$50,000 to implement this pilot program was worthwhile. Vote 10-7.

Rep. Frances Riley spoke against and yielded to questions.

Reps. Dowling and O'Keefe spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the report.

YEAS 201 - NAYS 142

YEAS 201

BELKNAP

Bartlett, Gordon	Campbell, Richard, Jr.	Hauck, William	Hawkins, Robert
Ziegra, Alice			

CARROLL

Beach, Mildred	Dickinson, Howard, Jr.	Foster, Robert	Philbrick, Donald
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CHESHIRE

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Hunt, John
Kingsbury, H. Thayer	Manning, Joseph	McGuirk, Paul	Pearson, Gertrude
Pratt, Irene	Richardson, Barbara	Robertson, Timothy	Royce, H. Charles
Smith, Edwin			

COOS

Bradley, Paula	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Patricia	Copenhaver, Marion	Crory, Elizabeth	Driscoll, William
Eaton, Stephanie	Guest, Robert	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	McIlwaine, Deborah	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor	Arnold, Thomas, Jr.
Asselin, Robert	Bagley, Amy	Bergeron, Lucien	Bergeron, Normand
Borsa, Andrew	Buckley, Raymond	Cepaitis, Elizabeth	Chabot, Robert
Clemons, Jane	Cote, David	Crotty, Edward	Daigle, Robert
Donovan, Francis	Drolet, Paul	Durham, Susan	Dwyer, Patricia
Foster, Linda	Franks, Suzan	Gage, Ruth	Gervais, Glen
Greenberg, Gary	Haettenschwiller, Alphonse	Hall, Betty	Hanselman, Gregory
Hart, Nick	Jean, Claudette	Kelley, Robert	Kurk, Neal
Lachut, Ervin	Lessard, Rudy	Lown, Elizabeth	Martin, Mary Ellen
McRae, Karen	Messier, Irene	Moore, Elizabeth	Morello, Michael
Morrisette, Roland	Nardi, Theodora	O'Hearn, Jane	Perkins, Paul
Peters, Stanley	Philbrook, Paula	Plourde, Alphonse	Record, Alice
Reidy, Frank	Smith, Leonard	Soucy, Donna	Stewart, Thomas
Sullens, Joan	Tate, Joan	Toomey, Kathryn	Upton, Barbara
Weergang, Alida	Wells, Peter, Sr.	White, John	

MERRIMACK

Braiterman, Thea	Carter, Susan	Chandler, John	Coughlin, Anne
Daneault, Gabriel	Dunn, Miriam	Fillion, Paul	French, Barbara
Hager, Elizabeth	Hall, Douglas	Holmes, Mary	Houlahan, Thomas
Lockwood, Robert	Mitchell, Vernon	Moore, Carol	Newland, Matthew
Owen, Derek	Rogers, Katherine	Shaw, Randall	Teague, Bert
Trombly, Rick	Weeks, John, Jr.	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Battles, Marjorie
Case, Margaret
Coes, Betsy
Drake, Herbert
Johnson, Robert
MacDonald, Maurice
Pratt, Katharin
Splaine, James
Vaughn, Charles

Beaulieu, Jon
Caswell, Albert, Jr.
Conroy, Janet
Gorman, Donald
Kane, Cecelia
McGovern, Cynthia
Rubin, George
St. Martin, Tommy
Warburton, Calvin

Bell, Juanita
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Groves, Bonnie
Kruse, Fred
O'Keefe, Patricia
Senter, Merilyn
Stritch, C. Donald
Woods, Deborah

Campbell, Marilyn
Clark, Martha
Dowling, Patricia
Hurst, Sharleene
Lee, Rebecca
Pantelakos, Laura
Skinner, Patricia
Syracusa, Anthony

STRAFFORD

Brown, George
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Torr, Ann

Dunlap, Patricia
Hilliard, Dana
Lundborn, Raymond
Musler, George
Rogers, Rose Marie
Vincent, Francis

Gilmore, Gary
Keans, Sandra
McCann, William, Jr.
Nehring, William
Snyder, Clair
Wall, Janet

Hashem, Elaine
Knowles, William
McGrath, J. Gregory
Pageotte, Donald
Sullivan, Henry
Wheeler, Katherine

SULLIVAN

Allison, David
Holl, Ann
Schotanus, Merle

Behrens, Thomas
Kane, Joan
Stamatakis, Carol

Burling, Peter
Palmer, Lorraine

Cloutier, John
Peyron, Fredrik

NAYS 142**BELKNAP**

Cain, Thomas
Johnson, Carl
Rosen, Ralph
Young, Niel

Dewhirst, Glenn
Lafam, Robert
Salatiello, Thomas

Golden, Paul
Lawton, David
Smith, Linda

Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

CARROLL

Bradley, Jeb
Saunders, Howard

Chandler, Gene
Wiggin, Gordon

Lyman, L. Randy

Mock, Henry

CHESHIRE

Delano, Robert

McNamara, Wanda

Metzger, Katherine

Young, David

COOS

Guay, Lawrence

Harwell, Tyler

GRAFTON

Chase, Paul, Jr.

Gordon, Edward

Rose, William

HILLSBOROUGH

Ahrens, Frederick
Calawa, Leon, Jr.
Dodge, Emma
Ferguson, Charles
Holden, Carol
Jean, Loren
L'Heureux, Robert
McCarty, Winston
Murphy, Robert
Rheault, Lillian
Soucy, Richard

Andrews, Frederick
Cowenhoven, Garret
Drabinowicz, A. Theresa
Gagnon, Eugene
Holley, Sylvia
Johnson, Lionel
Laughlin, J. Francis
Mercer, Robert
Packard, Bonnie
Riley, Frances
Turgeon, Roland

Bowers, Dorothy
Daniels, Gary
Dykstra, Leona
Gosselin, Gerald
Hunter, Bruce
Kelley, Dana
Lefebvre, Roland
Mittelman, David
Paquette, Rodolphe
Rothhaus, Finlay
Wheeler, Robert

Burke, M. Virginia
Desrosiers, William
Fenton, James
Healy, Daniel
Jasper, Shawn
Kirby, Thomas
Lozeau, Donnalee
Moncrief, Keith
Pepino, Leo
Searles, Stanley, Sr.
Wright, George

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Chandler, Earle	Feuerstein, Martin
Gilbreth, Robert	Hess, David	Kennedy, Richard	Kidder, William
Langer, Ray	Nichols, Avis	Pfaff, Terence	Regan, Maurice
Stapleton, Henry	Whalley, Michael	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Blake, Daniel	Boucher, William
Bove, Martin	Buco, Stephen	Chester, Sherman	Clark, Vivian
Cote, Charles	Cote, Patricia	Dowd, Sandra	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gargiulo, Louis	Hazelton, Robert	Hemenway, Thomas
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Klemarczyk, Thaddeus
Klemm, Arthur, Jr.	Malcolm, Kenneth	McKinney, Betsy	Moore, Benjamin
Noyes, Richard	Packard, Sherman	Pullman, Robert	Putnam, Ed, II
Raynowska, Bernard	Ritzo, Eugene	Rosencrantz, James	Schanda, Joseph, Sr.
Smith, Arthur	Stone, Joseph	Sytek, Donna	Sytek, John
Welch, David	Weyler, Kenneth	Williamson, William	Yennaco, Carol

STRAFFORD

Callaghan, Frank	Chagnon, Ronald	Douglass, Clyde	McKinley, Robert
Spear, Barbara	Torr, Franklin	Torr, Ralph	Wasson, Richard

SULLIVAN

Domini, Irene	Flint, Gordon	Rodeschin, Beverly
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and the report was adopted. Ordered to third reading.

HB 1548-FN, relative to medical and surgical benefits for state employees. **OUGHT TO PASS WITH AMENDMENT**

Reps. Robert A. Johnson and Robert L. Wheeler for Appropriations: The Committee felt that it was appropriate to extend the window to make the decision to take early retirement from July 1, 1994 to June 30, 1996 while retaining medical benefits. This is an accommodation to those who would be adversely affected by the 1994 date. A study committee is established to review this issue. Vote 20-0.

Amendment (5426B)

Amend the bill by replacing section 1 with the following:

1 Employees Eligible for Medical and Surgical Benefits. Amend RSA 21-I:30, II(c) to read as follows:

(c)(1) Is [but for the provisions of 1989, 376:10,] otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or

(2) *On June 30, 1989, was vested with at least 10 years of creditable service, and who retires between July 1, 1994, and June 30, 1996.*

AMENDED ANALYSIS

This bill allows state employees with at least 10 years of creditable service as of June 30, 1989, to be eligible to receive medical and surgical benefits if they retire between July 1, 1994, and June 30, 1996, and removes a reference to a repealed session law.

The bill also establishes a committee to study the eligibility requirements which state employees must meet in order to be eligible to receive state medical and surgical benefits. The committee must file its report, together with any proposed legislation, no later than November 1, 1994.

Adopted.

Report adopted and ordered to third reading.

Rep. Musler declared a conflict of interest and did not participate.

HB 1553-A, making a capital appropriation to the supreme court for the design of an administrative office building. **OUGHT TO PASS**

Rep. Merle W. Schotanus for Appropriations: The Appropriations Committee agrees with the Public Works Committee that design of a supreme court administrative office building should commence. The bill as amended authorizes a capital appropriation of \$150,000 for this purpose. Vote 16-4.

Adopted and ordered to third reading.

HB 1557-A, making an appropriation for the design and construction of the Plymouth district courthouse. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Appropriations: The committee felt that since the issue contained in this bill was folded into HB 1571-A, this bill is no longer needed. Vote 13-4.

Adopted.

HB 1571-A, appropriating funds for renovations to the Brown building. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: This bill, as amended, amends the existing capital budget to appropriate bonded funds of \$6 million for renovation of the Brown building, and \$1.5 million for the design, construction and furnishing of the Plymouth district court. Vote 12-5.

Rep. Burling moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Gene Chandler spoke against and yielded to questions.

Rep. Buckley spoke in favor.

Rep. LaMott spoke against.

Rep. Schotanus yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 121 NAYS 220

YEAS 121

BELKNAP

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
Metzger, Katherine

DePecol, Benjamin
Pratt, Irene

Kingsbury, H. Thayer
Richardson, Barbara

McGuirk, Paul

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Harwell, Tyler

Hawkinson, Marie

GRAFTON

Below, Clifton
McIlwaine, Deborah

Copenhaver, Marion
Nordgren, Sharon

Crory, Elizabeth

Guest, Robert

HILLSBOROUGH

Allen, W. Gordon
Borsa, Andrew
Crotty, Edward
Foster, Linda
Greenberg, Gary
Hart, Nick
Kirby, Thomas
Morello, Michael

Asselin, Robert
Buckley, Raymond
Daigle, Robert
Gage, Ruth
Haettenschwiler, Alphonse
Holley, Sylvia
Laughlin, J. Francis
Morrisette, Roland

Bergeron, Lucien
Clemons, Jane
Drabinowicz, A. Theresa
Gervais, Glen
Hall, Betty
Jean, Claudette
Lessard, Rudy
Nardi, Theodora

Bergeron, Normand
Cote, David
Dwyer, Patricia
Gosselin, Gerald
Hanselman, Gregory
Johnson, Lionel
Martin, Mary Ellen
Pepino, Leo

Perkins, Paul
Rothhaus, Finlay
Turgeon, Roland

Philbrook, Paula
Soucy, Donna
Upton, Barbara

Plourde, Alphonse
Soucy, Richard
Wells, Peter, Sr.

Reidy, Frank
Toomey, Kathryn
White, John

MERRIMACK

Braiterman, Thea
Gilbreth, Robert
Regan, Maurice

Coughlin, Anne
Houlahan, Thomas
Rogers, Katherine

Daneault, Gabriel
Langer, Ray
Trombly, Rick

French, Barbara
Newland, Matthew
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Flanders, David
Kane, Cecelia
Pantelakos, Laura
Warburton, Calvin

Caswell, Albert, Jr.
Gorman, Donald
McGovern, Cynthia
Schanda, Joseph, Sr.
Williamson, William

Clark, Vivian
Groves, Bonnie
Newman, Rick
St. Martin, Tommy

Crossman, Harold, Jr.
Hutchinson, Karen
O'Keefe, Patricia
Vaughn, Charles

STRAFFORD

Brown, George
Hashem, Elaine
McCann, William, Jr.
Pageotte, Donald
Snyder, Clair
Wheeler, Katherine

Callaghan, Frank
Hemon, Roland
McGrath, J. Gregory
Pelletier, Arthur
Torr, Ralph

Chagnon, Ronald
Loder, Suzanne
McKinley, Robert
Pelletier, Marsha
Vincent, Francis

Gilmore, Gary
Lundborn, Raymond
Merrill, Amanda
Rogers, Rose Marie
Wall, Janet

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Flint, Gordon
Stamatakis, Carol

Holl, Ann

NAYS 220

BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph
Ziegra, Alice

Cain, Thomas
Hauck, William
Lafam, Robert
Salatiello, Thomas

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Smith, Linda

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

CARROLL

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Mock, Henry

Dickinson, Howard, Jr.
Philbrick, Donald

CHESHIRE

Champagne, Richard
McNamara, Wanda
Smith, Edwin

Delano, Robert
Pearson, Gertrude
Young, David

Hunt, John
Robertson, Timothy

Manning, Joseph
Royce, H. Charles

COOS

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Ham, Bonnie
Rose, William
Wadsworth, Karen

Bean, Pamela
Driscoll, William
Hill, Richard
Scanlan, David
Ward, Kathleen

Brown, Alson
Eaton, Stephanie
LaMott, Paul
Teschner, Douglass

Brown, Patricia
Gordon, Edward
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.

Ahrens, Frederick
Bagley, Amy

Amidon, Eleanor
Bowers, Dorothy

Andrews, Frederick
Burke, M. Virginia

Calawa, Leon, Jr.
Daniels, Gary
Drolet, Paul
Fenton, James
Gagnon, Eugene
Hunter, Bruce
Kelley, Robert
Lozeau, Donnalee
Messier, Irene
Murphy, Robert
Peters, Stanley
Searles, Stanley, Sr.
Tate, Joan

Cepaitis, Elizabeth
Desrosiers, William
Durham, Susan
Ferguson, Charles
Healy, Daniel
Jasper, Shawn
L'Heureux, Robert
McCarty, Winston
Mittelman, David
O'Hearn, Jane
Record, Alice
Smith, Leonard
Weergang, Alida

Chabot, Robert
Dodge, Emma
Dyer, Merton
Fields, Dennis
Holden, Carol
Jean, Loren
Lachut, Ervin
McRae, Karen
Moncrief, Keith
Packard, Bonnie
Rheault, Lillian
Stewart, Thomas
Wheeler, Robert

Cowenhoven, Garret
Donovan, Francis
Dykstra, Leona
Franks, Suzan
Holt, Mark
Kelley, Dana
Lown, Elizabeth
Mercer, Robert
Moore, Elizabeth
Paquette, Rodolphe
Riley, Frances
Sullens, Joan

MERRIMACK

Barberia, Richard
Chandler, John
Hager, Elizabeth
Kennedy, Richard
Moore, Carol
Shaw, Randall
Whittemore, James

Buessing, Marjorie
Dunn, Miriam
Hall, Douglas
Kidder, William
Nichols, Avis
Stapleton, Henry
Willis, Jack

Carter, Susan
Feuerstein, Martin
Hess, David
Lockwood, Robert
Owen, Derek
Teague, Bert
Yeaton, Charles

Chandler, Earle
Fillion, Paul
Holmes, Mary
Mitchell, Vernon
Pfaff, Terence
Whalley, Michael

ROCKINGHAM

Battles, Marjorie
Bove, Martin
Chester, Sherman
Conroy, Janet
Dowd, Sandra
Fesh, Robert
Gargiulo, Louis
Johnson, Robert
Klemm, Arthur, Jr.
MacDonald, Maurice
Packard, Sherman
Raynowska, Bernard
Skinner, Patricia
Sytek, Donna
Woods, Deborah

Beaulieu, Jon
Buco, Stephen
Christie, Andrew, Jr.
Cote, Charles
Dowling, Patricia
Flanagan, Natalie
Hazelton, Robert
Katsakiores, George
Kruse, Fred
Malcolm, Kenneth
Pratt, Katharin
Ritzo, Eugene
Stone, Joseph
Sytek, John
Yennaco, Carol

Blake, Daniel
Campbell, Marilyn
Clark, Martha
Cote, Patricia
Drake, Herbert
Flanders, John, Sr.
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
McKinney, Betsy
Pullman, Robert
Rubin, George
Stritch, C. Donald
Welch, David

Boucher, William
Case, Margaret
Coes, Betsy
DiPietro, Carmela
Dube, LeRoy
Gage, Beverly
Hurst, Sharleene
Klemarczyk, Thaddeus
Lovejoy, Marian
Noyes, Richard
Putnam, Ed, II
Senter, Marilyn
Syracusa, Anthony
Weyler, Kenneth

STRAFFORD

Douglass, Clyde
Knowles, William
Sullivan, Henry

Dunlap, Patricia
Musler, George
Torr, Ann

Hilliard, Dana
Nehring, William
Torr, Franklin

Keans, Sandra
Spear, Barbara
Wasson, Richard

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly
Schotanus, Merle

Cloutier, John

Domini, Irene

and the motion failed.

Amendment (5520B)

Amend the title of the bill by replacing it with the following:

AN ACT

appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse.

Amend the bill by replacing section 1 with the following:

1 Capital Appropriation Increased for Design and Renovation of Brown Building. Amend 1993, 359:1, V, E, 3 and the total for subparagraph V, E as amended by 1993, 360:5 to read as follows:

3. Design *and renovation* of Brown

building [renovations]	[\$ 750,000]	\$ 6,000,000
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Total subparagraph E	[\$ 1,300,000]	\$ 6,550,000
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Amend the bill by replacing section 5 with the following:

5 Appropriation; Plymouth District Courthouse. The sum of \$1,500,000 is appropriated to the department of administrative services for the biennium ending June 30, 1995, for the purpose of planning, design, construction, and furnishing of a new Plymouth district courthouse.

6 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund of the state.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the amended 1993 capital budget appropriation for the design and renovation of the Brown building on the New Hampshire hospital campus from \$750,000 to \$6,000,000. The bill also increases other appropriation totals in the capital budget resulting from the new appropriation for the Brown building.

The bill also makes a capital appropriation for the planning, design, construction, and furnishing of a new Plymouth district courthouse.

Adopted.

Report adopted and ordered to third reading.

(Rep. Jasper in the Chair)

HB 1341, requiring delivery of non-subscription publications to cease 14 days after written notification by the recipient. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzanne K. Loder for Commerce, Small Business and Consumer Affairs: This bill provides a way to stop the proliferation of unsolicited nonsubscription publications delivered to private residences. Hand delivery must be stopped within 14 days of receipt of written notice. Vote 10-6.

Amendment (5018B)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Non-Subscription Publications. Amend RSA by inserting after chapter 358-N the following new chapter:

CHAPTER 358-O

NON-SUBSCRIPTION PUBLICATIONS

358-O:1 Non-Subscription Publications; Unfair Trade Practice. Any person causing unsolicited non-subscription publications to be hand-delivered to private residences shall cease causing such publications to be delivered within 14 days after written notice is mailed by the recipient of such publications. Any violation of this section shall constitute an unfair or deceptive trade practice within the meaning of RSA 358-A and shall subject the defendant in such case to a cause of action under RSA 358-A:10.

AMENDED ANALYSIS

This bill requires persons responsible for the hand delivery of unsolicited non-subscription publications to private residences to cease causing such publications to be delivered within 14 days after written notice from the recipient of the publications.

Adopted.

Report adopted and ordered to third reading.

**HB 1107, making crack cocaine subject to greater penalties under the controlled drug act.
OUGHT TO PASS WITH AMENDMENT**

Rep. Donna P. Sytek for Corrections and Criminal Justice: Because crack cocaine is such a serious problem in this state, this bill as amended distinguishes crack from "regular" cocaine by adding a new definition and providing the same penalties as for heroin, which has similar addictive qualities. The amendment also clarifies that the amount of the controlled substance is an element of the crime. The committee deleted the provisions in the original bill calling for the doubling of penalties for repeat drug offenses. Many of us are reluctant to continue the "lock 'em up" solution to the drug problem until we can be sure adequate prevention and treatment efforts are initiated. To this end, a subcommittee of Corrections and Criminal Justice will develop a plan to provide prisoners greater opportunities for drug treatment so that we can reduce the number of drug offenders going through the "revolving door" at our prisons. Vote 9-1.

Amendment (5581B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 318-B:1 by inserting after paragraph VI-a the following new paragraph:

VI-b. "Crack cocaine", also known as cocaine base or rock cocaine, means the free base form of cocaine in which the molecule is not chemically combined as an acid salt.

2 Crack Cocaine; Exception Added. Amend RSA 318-B:26, I(a)(1)(B) to read as follows:

(B) Cocaine *other than crack cocaine*, its salts, optical and geometric isomers, and salts of isomers; or

3 Crack Cocaine Added. Amend RSA 318-B:26, I(a)(3) to read as follows:

(3) Heroin or its analog *or crack cocaine* in a quantity of 5 grams or more, including any adulterants or dilutants.

4 Crack Cocaine; Exception Added. Amend RSA 318-B:26, I(b)(1) to read as follows:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, *other than crack cocaine*, in a quantity of 1/2 ounce or more, [but less than 5 ounces] including any adulterants or dilutants;

5 Heroin; Crack Cocaine; Amount Added. Amend RSA 318-B:26, I(b)(4) to read as follows:

(4) Heroin or its analog *or crack cocaine* in a quantity of *one gram or more* [than one gram but less than 5 grams], including any adulterants or dilutants;

6 Reference Added. Amend RSA 318-B:26, I(c)(1) to read as follows:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, *other than crack cocaine*, in a quantity less than 1/2 ounce including any adulterants or dilutants;

7 Crack Cocaine; Reference Added. Amend RSA 318-B:26, I(c)(4) to read as follows:

(4) Heroin or its analog *or crack cocaine* in a quantity of less than one gram, including any adulterants or dilutants;

8 Amount Reference Deleted. Amend RSA 318-B:26, I(c)(5) to read as follows:

(5) Marijuana in a quantity of one ounce or more [but less than 5 pounds] including any adulterants or dilutants, or hashish in a quantity of 5 grams or more [but less than one pound] including any adulterants or dilutants;

9 Hashish and Marijuana; Possession References Removed. Amend RSA 318-B:26, II(c) and (d) to read as follows:

(c) In the case [of possession] of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.

(d) In the case [of possession] of marijuana, including any adulterants or dilutants, or 5 grams or less of hashish, the person shall be guilty of a *class A* misdemeanor.

10 New Paragraph; Quantity of Drug; Burden of Proof. Amend RSA 318-B:26 by inserting after paragraph XI the following new paragraph:

XII. The penalty categories set forth in this section based upon the weight of the drug involved are material elements of the offense; however, the culpability requirement shall not apply to that element of the offense.

11 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill makes crack cocaine subject to greater penalties under the controlled drug act.

This bill clarifies that the quantity of a drug is a material element to a crime; however, the culpability requirement shall not apply to that element of the offense.

Adopted.

Rep. Gorman moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Donna Sytek spoke against and yielded to questions.

The motion failed.

Report adopted and ordered to third reading.

HB 1317, relative to bad checks. INEXPEDIENT TO LEGISLATE

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill as written would make it a crime to write a "bad check" regardless of whether or not the person who wrote it knew the check would not be covered. The committee spent time with concerned parties and worked out a new procedure that everyone is willing to try. The procedure does not need legislation to implement. Vote 9-1.

Adopted.

HB 1569, relative to administrative review of suspended or revoked motor vehicle licenses. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Corrections and Criminal Justice: This bill makes several changes to the administrative license suspension (ALS) for the drunk driving process that we passed last session. As amended, the bill establishes requirements for the police and the accused to follow concerning ALS hearings, including what is required and how it may be rebutted, and puts the burden of proof on the accused to show that the test was not properly administered. A provision is added to allow for the return of a person's license or right to operate if that person took the test but was later found not guilty by the court or the DWI charge was dismissed by the police. This bill makes some wording changes to reflect Division of Public Health recommendations. Lastly, the effective date is moved to January 1, 1995, and no part of this bill is retroactive. Vote 10-0.

Amendment (5573B)

Amend the bill by replacing all after the enacting clause with the following:

I Reported Value of Alcohol Concentration. Amend RSA 265:91-a, I and II to read as follows:

265:91-a Administrative License Suspension.

I. If any person refuses a test as provided in RSA 265:92 or submits to a test described in RSA 265:84 which [discloses] *shows a reported value of* an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21, 0.04 or more, the law enforcement officer shall submit a sworn report to the department. In the report the officer shall certify that the test was requested pursuant to RSA 265:84 and that the person refused to submit to testing or submitted to a test which [disclosed] *showed a reported value of* an alcohol concentration of 0.08 or more, or, in the case of a person under the age of 21, 0.04 or more.

II. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph I, the department shall suspend the person's driver's license or privilege to drive as follows:

(a) In the case of a refusal to take a test described in RSA 265:84, the suspension shall be for the period specified in RSA 265:92.

(b) In the case of a person who submits to a test described in RSA 265:84 which [discloses] *shows a reported value of* an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21, 0.04 or more, the suspension shall be for:

(1) Six months if there is no prior refusal under RSA 265:92, no prior driving while intoxicated or aggravated driving while intoxicated convictions, and no prior administrative license suspension pursuant to RSA 265:91-a.

(2) Two years if there is a prior refusal under RSA 265:92, or a prior driving while intoxicated or aggravated driving while intoxicated conviction, or a prior administrative suspension pursuant to RSA 265:91-a.

2 New Paragraphs; Administration of Breath Tests. Amend RSA 265:91-b by inserting after paragraph II the following new paragraphs:

II-a.(a) In the case of a breath test, the officer may establish that the breath test was properly administered by submitting the following:

(1) A copy of the certification required by RSA 265:85, III from the officer who administered the test;

(2) A copy of the preventive maintenance check form filled out by the forensic breath testing supervisor who performed the last preventive maintenance check of the breath testing instrument in question prior to the time of the test at issue;

(3) A copy of the breath test instrument printout showing a reported value of 0.08 or more, or, in the case of a person under the age of 21, 0.04 or more; and

(4) A copy of a statement signed by the person who administered the test that he observed the person and that the person did not place any material in his mouth, vomit, regurgitate or belch for twenty minutes prior to the time of the test.

(b) Once the officer has established that the test was properly administered, it shall be the burden of the person to prove, by clear and convincing evidence, that the test was not properly administered.

(c) If the documents set forth in subparagraph (a) are submitted to the division of motor vehicles at least 3 days prior to the hearing, the presence of the officer who administered the test shall not be mandatory unless he is subpoenaed by the person, in accordance with RSA 516:16. In all such cases, the subpoena shall be accompanied by the witness fee and mileage established by RSA 516:16.

(d) If the person intends to raise before the department of safety an issue as to the deviation between the reported value obtained by the state and the reported value obtained by an independent laboratory, the person must provide to the officer, at least 3 days before the hearing, notice of intent to raise such a claim. The notice must be accompanied by the following:

(1) A copy of the independent laboratory's certification required by RSA 265:85, V;

(2) A copy of the independent laboratory report showing the subject's test results and reported value for the captured sample tube which corresponds to the reported value obtained by the breath test instrument;

(3) Copies of the gas chromatograph instrument printouts of the subject's captured sample tube results which correspond to the reported value obtained by the breath test instrument;

(4) A copy of all the gas chromatograph instrument printouts of the blanks, controls and standards analyzed on the day the subject's captured sample tube was analyzed; and

(5) A statement by the independent laboratory or any repairs or preventive maintenance performed on the gas chromatograph instrument for 6 months prior to the analysis of the subject's captured sample tube.

(e) If the documents set forth in subparagraph (d) are not so provided, the argument shall be deemed to be waived.

II-b.(a) In the case of a blood or urine test, the officer may establish that the test was properly administered by submitting the following:

(1) A copy of the appropriate form filled out and signed by the person who took the sample, as required by RSA 265:85, V and RSA 265:90, IV;

(2) A copy of the laboratory report from the division of public health services, showing a test result of 0.08 or more, or, in the case of a person under the age of 21, 0.04 or more; and

(3) A sworn statement by the certifying scientist that the person who analyzed the sample was qualified to conduct analyses of blood or urine specimens, and that the analysis was performed in accordance with methods prescribed by the division of public health services.

(b) Once the officer has established that the test was properly administered, it shall be the burden of the person to prove, by clear and convincing evidence, that the test was not properly administered.

(c) If the documents set forth in subparagraph (a) are submitted to the division of motor vehicles at least 3 days prior to the hearing, the presence of the person who administered the

test shall not be mandatory unless he is subpoenaed by the person, in accordance with RSA 516:16. In all such cases, the subpoena must be accompanied by the witness fee and mileage established by RSA 516:16.

(d) If the person intends to raise before the department of safety an issue as to the deviation between the test result obtained by the state and the test result obtained by an independent laboratory, the person shall provide to the officer, at least 3 days before the hearing, notice of intent to raise such a claim. The notice must be accompanied by the following:

- (1) A copy of the independent laboratory's certification required by RSA 265:85, V;
- (2) A copy of the independent laboratory report showing the subject's reported result;

(3) A copy of the analytical worksheet and gas chromatograph instrument printouts of the subject's results;

(4) A copy of all the gas chromatograph instrument printouts of the blanks, controls and standards analyzed on the day the subject's sample was analyzed; and

(5) A statement by the independent laboratory that the analysis was performed in accordance with the analytical procedures prescribed by the division of public health services pursuant to their certification as required by 265:85, V.

(e) If the documents set forth in subparagraph (d) are not so provided, the argument shall be deemed to be waived.

3 Recision of Administrative License Suspension. Amend RSA 265:91-c to read as follows:
265:91-c Period of License Suspension.

I. Where a license or driving privilege has been suspended under RSA 265:91-a and the person is also convicted on criminal charges arising out of the same event both the suspension and the court ordered revocation shall be imposed but the total period of suspension and revocation shall not exceed the longer of the 2 periods; provided, however, that any suspension for refusing to submit to a test under the provisions of RSA 265:92 shall not run concurrently with any other penalty imposed under the provisions of this title.

II. If a person has submitted to a test and incurred an administrative license suspension pursuant to RSA 265:91-a, II(b), the administrative license suspension shall be rescinded if the person is acquitted of the related DWI charge or if that charge is nolle prosequi.

4 Application. The provisions of this act shall apply to administrative license suspension cases where the arrest occurs on or after the effective date of this act.

5 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill:

(1) Allows an officer to establish that a breath, blood or urine test was properly administered by submitting certain documents.

(2) Makes the provisions of this act applicable to administrative license suspension cases where the arrest occurs on or after the effective date of this act.

Adopted.

Report adopted and ordered to third reading.

HB 622-FN, relative to solid waste management districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Amanda A. Merrill for Environment and Agriculture: HB 622 as amended makes changes to RSA 53:B, clarifying the procedures for establishing and administering solid waste districts. Other provisions are 1) increased opportunity for public review of proposed district agreements, as well as review of such agreements by the Attorney General's office and the Division of Waste Management of the Department of Environmental Services, and 2) additional audit requirements. Vote 16-1.

Amendment (5594B)

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Heading Changed. The chapter heading of RSA 53-B is repealed and reenacted to read as follows:

SOLID WASTE MANAGEMENT DISTRICTS

2 New Section; Statement of Purpose Added. Amend RSA 53-B by inserting after section 1 the following new section:

53-B:1-a Purpose. A solid waste management district shall be a means by which municipalities may join together by formal agreement under this chapter to create a separate authority for the management of solid waste. A district may be established for the purposes of providing one or more solid waste facilities, closing any existing facilities, or creating a system of solid waste management within the district.

3 Definitions Added. RSA 53-B:2 is repealed and reenacted to read as follows:

53-B:2 Definitions. In this chapter:

- I. "District" means a solid waste management district established under this chapter.
- II. "Facility" means a location, system or physical structure for the collection, separation, storage, transportation, processing, treatment, or disposal of solid waste.
- III. "Governing body" means "governing body" as defined in RSA 21:48.
- IV. "Legislative body" means "legislative body" as defined in RSA 21:47.
- V. "Municipality" means any city, town, unincorporated town or unorganized place.
- VI. "Person" means any individual, partnership, company, corporation, firm, governmental unit or agency, or any other legal entity.
- VII. "Solid waste" means "solid waste" as defined in RSA 149-M:1, XIX.
- VIII. "Solid waste management" or "management" means an activity or any combination of activities relative to the collection, separation, storage, transportation, processing, treatment or disposal of solid waste.

4 Solid Waste Management District Planning Committee. RSA 53-B:3 is repealed and reenacted to read as follows:

53-B:3 Solid Waste Management District Planning Committee; Formation and Responsibilities.

I. The governing bodies of 2 or more municipalities may at their discretion, and shall upon vote of their respective legislative bodies, create a special unpaid committee to be known as a solid waste management district planning committee, consisting of 3 persons from each municipality appointed by the respective governing bodies. The committee shall elect a chairperson, clerk and treasurer. Members may be reimbursed by the committee for costs of performing duties directly related to committee responsibilities. Any solid waste management district committee formed pursuant to RSA 149-M:18, in existence as of the effective date of this act, may serve as a planning committee under this chapter.

II. The committee may accept funds from any public or private source and may expend money for planning purposes which may include, but not be limited to, engaging legal counsel, accountants, engineers, contractors, consultants and other advisors, paying for member expenses, or organizational and secretarial assistance. The committee shall report in a timely fashion to each governing body the sources and amounts of such funds. Each municipality represented on the committee may appropriate funds to the committee.

III. The committee shall study the advisability of establishing a solid waste management district by examining the types of facilities that would be needed; the methods of organizing, operating and financing such a district; the potential benefits and disadvantages to member municipalities; and the closure of any proposed or existing facilities. The committee may consider specific sites inside or outside the proposed district for facility location or, more generally, which municipalities may have facilities located within them.

IV. If the committee determines that the formation of a district is desirable, it shall prepare a proposed district agreement and hold a public informational session and hearing on it in at least one of the participating municipalities. A public informational session and hearing shall be held in each municipality which is named in the district agreement as a site. Copies of the proposed agreement and of RSA 53-B shall be made available at and prior to any hearing. Notice of any hearing shall be published in one or more newspapers of general circulation in the proposed district area and sent to the governing bodies of participating municipalities.

V. After the public hearing and informational session the committee may amend the contents of the proposed agreement and shall send it for review to the attorney general and

division of waste management, department of environmental services. The attorney general shall approve any proposed agreement unless it is in improper form or is incompatible with the requirements of this chapter and the laws of this state. The attorney general shall detail in writing to the governing bodies and the planning committee any specific respects in which the proposed agreement fails to meet the requirements of law. Approval by the attorney general shall be required for any district agreement to be legally valid. Failure by the attorney general to disapprove an agreement within 30 days of its submission shall constitute approval. The division of waste management shall provide comment, including recommendations for improvement, to the committee and governing bodies within 30 days of the proposed agreement's submission relative to its compatibility with the state solid waste management plan and the solid waste management statutes and rules. The comments of the division shall not affect the legal validity of any district agreement.

VI. The committee may revise the proposed district agreement as it deems necessary and shall resubmit it to the 2 state agencies as provided in paragraph V. The committee may give final approval to a proposed agreement after approval by the attorney general.

VII. The committee shall report its findings and recommendations, along with any proposed district agreement, to the governing bodies of the municipalities comprising the committee.

5 Proposed Solid Waste District Agreement Voting. RSA 53-B:6 is repealed and reenacted to read as follows:

53-B:6 Vote on Establishing District.

I. The governing bodies shall cause the question of accepting any proposed agreement to be presented for determination by vote of the respective legislative bodies. In municipalities that hold town meetings, the proposed agreement shall be voted on, in accordance with proper notice and procedure requirements, at the next annual town meeting or at a special town meeting called for this purpose. Voting at a town meeting may be by printed ballot or official ballot. In all other municipalities, the legislative bodies shall vote on the proposed agreement within 60 days of the governing bodies receiving the proposed agreement. The question to be voted on shall be: "Shall the (insert name of municipality) accept the provisions of RSA 53-B:1 - RSA 53-B:15 providing for the establishment of a solid waste management district, together with the municipalities of _____ in accordance with the provisions of the proposed agreement filed with the (insert appropriate office for governing body)?" Approval by a legislative body shall be by simple majority unless the agreement waives the 45-day debt rejection period and authority set forth in RSA 53-B:7, VI, in which case approval must be by 2/3 vote. If all of the legislative bodies vote in the affirmative, the proposed solid waste management district shall thereby be established in accordance with the terms of the proposed agreement. Otherwise, the district shall not be established, except as specified in paragraph II.

II. The proposed agreement may contain a provision for the establishment of the district when more than one but not all of the legislative bodies vote in the affirmative. Such provision need not require any additional votes by the legislative bodies in order to establish the district, but it may not include in the district any municipality whose legislative body did not approve the proposed agreement.

6 New Section; District Agreements. Amend RSA 53-B by inserting after section 6 the following new section:

53-B:6-a Solid Waste Management District Agreements. The business affairs and actions of a district shall be conducted and governed pursuant to the terms, conditions, and provisions of its district agreement. The agreement shall include but not be limited to the following:

I. A list of the towns included in the district.

II. Provisions for the sharing of planning, construction, operating, maintenance, and closing costs of one or more facilities, if any.

III. The method of selection and method of removal of representatives to the district committee, whether by legislative or governing bodies; the number of representatives and the weight of each representative's vote; the terms of office of the representatives; and, except as provided otherwise by law, the powers, duties and authorities of the district committee officers.

IV. A description of the facilities and sites, if applicable.

V. The terms by which other municipalities may be admitted to the district or a member municipality may withdraw from the district before or after debt has been incurred.

VI. The method by which the district agreement may be amended including conditions under which an amendment must be approved by the governing or legislative bodies of member municipalities.

VII. The procedure for dissolution of the solid waste management district before or after debt has been incurred.

VIII. Provisions for varied levels of participation by member municipalities in multiple facilities, if applicable.

IX. The procedure for the preparation and adoption of the annual budget, including the apportionment of district expenses and a schedule of payments, and other procedures relative to governing the district's fiscal affairs in accordance with RSA 53-B:9.

X. The remedies and penalties which the district committee may assert against a member which defaults in its obligations to the district, if any.

XI. Any debt incurrences by the district for specified purposes that are exempt from the debt rejection provisions of RSA 53-B:7, VI(a) and (c).

XII. The powers delegated to the district by member municipalities to enact bylaws and regulations concerning solid waste management, as provided in RSA 53-B:7, XV.

XIII. The procedure, if any, for establishing the district when not all of the legislative bodies vote to approve the district agreement, as provided in RSA 53-B:6, II.

7 Corporate Body; Powers. RSA 53-B:7 is repealed and reenacted to read as follows:

53-B:7 Corporate Body; Powers. A solid waste management district, established under RSA 53-B:6, shall be a body politic and corporate and a political subdivision and public instrumentality of the state carrying out a public purpose and an essential governmental function with the following powers, which powers are subject to the provisions and limitations of the district agreement:

I. To adopt a name and a corporate seal. The engraved or printed facsimile of the seal appearing on a bond or note of the district shall have the same legal effect as if it were impressed thereon.

II. To sue and be sued, but only to the same extent and upon the same conditions that a municipality may be sued.

III. To plan, construct, equip, maintain and operate one or more facilities, or to close one or more facilities, for the benefit of members of the district, and to take such actions and make such contracts as may be necessary in relation thereto.

IV. To hold, deal with, mortgage, pledge, encumber, purchase, acquire, lease, sell, convey, and otherwise dispose of real and personal property of all kinds in furtherance of the purposes of the district.

V. To take property by eminent domain within the geographic boundaries of the district in furtherance of the purposes of the district.

VI. To incur debt for the purposes of acquiring land and for planning, constructing, and equipping, or purchasing or otherwise acquiring the use of, one or more facilities, or for closing one or more facilities.

(a) No debt may be incurred until 45 days after it was authorized by the district committee to allow for rejection of the debt incurrence by member municipalities under subparagraph (c), unless the rejection period and authority have been waived in the district agreement.

(b) The governing body of each member town and city shall be given written notice of the amount of the debt and the general purposes for which it was authorized within 7 days after the authorization.

(c) If before the 45 day period has passed, the legislative body of any member municipality votes to disapprove of the debt, it shall not be incurred. A meeting held under this subparagraph shall not be subject to RSA 31:5. A legislative body may disapprove the debt only if, under the terms and conditions of the district agreement, the municipality will incur obligations under RSA 53-B:7-c. After 60 days the district committee may again authorize the incurrence of debt which shall be subject to the rejection conditions of subparagraphs (a) and (c). A municipality which votes to reject two successive debt incurrences may withdraw from the district in accordance with the provisions of this chapter and the district agreement. If the municipality has not withdrawn within 60 days of the second debt rejection, the committee is authorized to incur the debt over the member municipality's rejection.

(d) In any district which includes 3 or more towns and is a party to a cooperative agreement under the New Hampshire-Vermont Interstate Solid Waste Compact, the following alternative procedure shall apply if it is contained in the agreement. The district committee shall determine the amount and purpose of the debt. The committee shall hold public hearings in at least 2 municipalities in the district. At least 14 days' notice of the hearings shall be published in one or more newspapers circulating in the district and posted in at least one public place in each municipality. Within 30 days after the last hearing, the committee shall set a date for a referendum on the debt. Each municipality shall have at least one polling place. The procedures for the referendum shall be the same as those for a vote by official ballot at town meeting. The debt shall be authorized if 2/3 of those voting on the question vote yes. Expenses of the referendum shall be charged to the district.

VII. To issue bonds and notes in the name and upon the full faith and credit of the district. The bonds or notes shall be signed by the chairman and treasurer of the district committee, except that the chairman by a writing bearing his written signature and filed in the office of the treasurer, which writing shall be open to public inspection, may authorize the treasurer to cause to be engraved or printed on the bonds or notes a facsimile of the chairman's signature, and such facsimile signature so engraved or printed shall have the same validity and effect as the chairman's written signature. Each issue of bonds or notes shall be a separate loan.

VIII. To receive and disburse funds for any district purpose.

IX. To incur temporary debt in anticipation of revenue to be received.

X. To assess member municipalities for any expenses of the district in accordance with RSA 53-B:9.

XI. To receive any grants or gifts for the purposes of the district.

XII. To engage legal counsel, accountants, engineers, contractors, consultants, agents and other advisors.

XIII. To employ an executive director or manager and such other employees necessary to operate the district.

XIV. To enter into contracts with any person consistent with the authorities that a district may have under this chapter.

XV. To utilize powers delegated to the district through the district agreement by member municipalities to enact bylaws and regulations concerning solid waste management.

XVI. To insure against liability and other risks, and otherwise to obtain all insurance deemed by the district committee to be necessary or appropriate to the district and its operations.

XVII. To guarantee obligations and to give indemnities to third parties, when in the best interests of and for the benefit of the district.

XVIII. To make contracts, leases, or other agreements with any member municipality within which a facility is or is to be located. Such contracts, leases, or other agreements may provide for benefits, privileges, payments, or other considerations for said host member municipality which, with respect to that facility, are different from and not otherwise available to the other member municipalities with respect to such facility.

XIX. To accept at a district facility solid waste generated inside and outside the boundaries of the district.

XX. To contract with any person who owns or operates any facility for the provision of solid waste management services. Such contract may be for any term of years, not in excess of 30, may provide for the delivery of guaranteed amounts of solid waste with payments based on such amounts whether or not actually delivered or with payments based on such amounts whether or not actually delivered or processed, and may contain such other terms and conditions as the district may determine to be in its best interest.

8 Project Financing. Amend RSA 53-B:7-b to read as follows:

53-B:7-b Project Financing. [In addition to debt incurred and bonds and notes issued pursuant to this chapter and any district agreement, every regional refuse disposal district shall have the power to finance refuse disposal facilities by the incurrence of debt and issuance of]

I. Bonds or notes issued pursuant to this chapter may be secured by any assets or revenues, or both, of the district. [or the facility and in connection therewith] The district may mortgage a facility and grant security interest in such other assets or rights to receive money

as the [regional] district committee may determine. [Notwithstanding other provisions of this chapter to the contrary,] Such bonds or notes may, but need not be, the full faith and credit obligation of the district, provided that bonds or notes which are not the full faith and credit obligation of the district shall so state in a conspicuous manner on their face. [All debt and all bonds and notes, regardless of how secured, shall be authorized as is otherwise provided in this chapter.]

II. A district may use the proceeds of bonds or notes to acquire land and to plan, construct and equip, *or purchase or otherwise acquire the use of*, [a refuse disposal facility] *one or more facilities*, and to create such reserve funds and to pay such costs of financing and capitalized interest as the [regional] *or to close one or more facilities*, district committee deems appropriate, or it may loan such proceeds to any person for such purposes in connection with a facility which by contract it has the right to use or which by contract will provide [disposal] *management* services to the district for a period at least equal to the period of the bonds *or notes*.

9 New Section; Member Municipality Obligations. Amend RSA 53-B by inserting after section 7-b the following new section:

53-B:7-c Member Municipality Obligations. Any member municipality that withdraws from a district shall be liable for its share of existing debt and contractual obligations, and any existing operating and capital costs its withdrawal would impose on remaining members. All liabilities, obligations, and indebtedness of the district incurred by it through the exercise of its powers and duties shall be full faith and credit obligations of the individual member municipalities except to the extent that the district agreement otherwise provides.

10 District Committees; Powers. Amend RSA 53-B:8 to read as follows:

53-B:8 [Regional] District Committee. The powers, duties, and liabilities of a [regional] refuse [disposal] district shall be vested in and exercised by a [regional refuse disposal] district committee organized in accordance with the *district agreement*. *The district committee shall authorize and govern all actions of a district, and the district committee's actions which are consistent with the district agreement and this chapter are binding on member municipalities without any additional action by the governing or legislative bodies of those municipalities. A majority of district committee representatives shall constitute a quorum, unless the district agreement provides for weighted voting, in which case a quorum shall consist of representatives holding more than 50 percent of the voting power. A simple majority of the voting authority present shall be sufficient to approve an action by the committee except as otherwise provided in the district agreement and with the following exceptions. An affirmative 2/3 vote of the total votes of the district committee shall be required to authorize the incurrence of long term debt or the dissolution of the district.*

II. The committee shall choose a chairman by ballot from its membership. It shall appoint a secretary and a treasurer, who may be the same person, but who need not be members of the committee, *and such other officers as may be provided for in the district agreement*. The treasurer shall receive and take charge of all money belonging to the district and shall pay any [bill] *debt* of the district which has been approved by the committee. The treasurer may, by vote of the committee, be compensated for his services. *Proceedings of the committee shall be held in accordance with RSA 91-A.*

III. *The committee shall send to the member municipalities, by January 31 of each year, an annual report on the general activities and affairs of the district, including a detailed financial report.*

11 Capital Reserve Fund. Amend RSA 53-B:8-a to read as follows:

53-B:8-a Capital Reserve Fund.

I. A [regional refuse disposal] district may establish a capital reserve fund for the orderly replacement *and closure of any existing facility, including associated* buildings and equipment, which [have] *has* been approved under RSA 53-B:7, [IV] **VI**. The district committee shall invest all monies in said fund in the same manner as capital reserve funds of towns are invested pursuant to the requirements of RSA 35:9. The members of said committee shall serve as the trustees of the capital reserve fund. The trustees of the fund shall post bond in such amount and in such form as the New Hampshire commissioner of revenue administration shall prescribe.

II. The proposed annual contributions to the capital reserve fund shall be set forth in the budget of the district, and the trustees shall annually within 3 months of the close of the fiscal year of the district file an account with the selectmen of the towns and the city council of the cities comprising the district setting forth the amounts held by the trustees, the manner in which they are invested, and the purposes for which they are held. The trustees may, from time to time, vote to expend any funds held by them for the replacement *or closure of any existing facility, including associated* buildings and equipment, required by the district without further vote of the [towns] *municipalities* comprising the district.

12 Adoption of Budget. Amend RSA 53-B:9 to read as follows:

53-B:9 Adoption of Budget; Apportionment of Expenses. Annually, the [regional refuse disposal] district committee shall determine the amounts necessary to be raised to maintain and operate the district during the next calendar year, and the amounts required for payment of debt and interest incurred by the district that will be due in the next year. *The committee shall adopt a budget for the upcoming year no later than December 31.* The committee shall prepare a budget and make a preliminary apportionment of the amount so determined among the [several] member [cities and towns] *municipalities* in accordance with the terms of the *district* agreement. Prior to December 31 of each year the district committee shall hold at least one public hearing at some convenient place in the district on the amounts required in the budget and the preliminary apportionment of the amounts listed in the budget. At least 7 days notice of the meeting shall be given by publication of the budget and apportionment in a newspaper of general circulation within the district, and by posting a copy of the budget and apportionment in a public place in each [city and town] *municipality* in the district. After the hearing the committee shall adopt a budget and make a final determination of the apportionment among the member [cities and towns] *municipalities*. After the committee has adopted the budget and determined the apportionment of the expenses, the [regional refuse disposal] district treasurer shall certify to the [selectmen of the towns and the councils of the cities in the district] *governing body of each member municipality* the amount of money assessed each member [town and city] *municipality*. The [selectmen of each member town and the council of each member city] *governing body of each member municipality* shall seasonably assess the taxes to be raised to pay the apportionments. The [city or town] *municipal* treasurer, shall pay to the district the amount so apportioned at the times specified in the *district* agreement.

13 Audits. RSA 53-B:10 is repealed and reenacted to read as follows:

53-B:10 Audits. The district committee shall hire a certified public accountant or a public accountant licensed by the state under RSA 309-A:8 to conduct a financial audit, in accordance with generally accepted governmental auditing standards as adopted by the U. S. General Accounting Office and applicable state statutes, to be completed within 6 months after the close of each fiscal year. Upon completion of an audit, the district committee shall review and vote on acceptance of the audit and send a copy of the audited financial statements, the auditor's opinion on those statements, a report on internal control, a report on compliance, and any other auditor reports to the governing body of each of the member municipalities and to the department of revenue administration. At least every 2 years, the district committee shall vote on whether to contract for a performance audit of the district in accordance with the generally accepted governmental auditing standards. Upon completion of a performance audit, the committee shall review and vote on acceptance of the audit and send a copy of resulting materials to the governing body of each of the member municipalities.

14 New Sections; Tax Exemptions; Severability; Applicability. Amend RSA 53-B by inserting after section 11 the following new sections:

53-B:12 Tax Exemption. All bonds and notes, and the interest thereon, heretofor or hereafter issued by a district formed under the provisions of RSA 53-B or of any general or special act, heretofor and hereafter enacted, shall be exempt from taxation in the state of New Hampshire.

53-B:13 Severability. If any portion of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

53-B:14 Existing Districts. Districts formed by municipalities under prior law shall continue to operate under the prior law and existing district agreements. A district may utilize any additional provisions of this chapter by amending its district agreement in accordance with the amendment process contained in its district agreement.

15 New Section; Exclusion From Debt Limit. Amend RSA 33 by inserting after section 6-d the following new section:

33:6-e Exclusion from Debt Limits; Solid Waste Management Districts. The debt limit restrictions of this chapter shall not apply to a solid waste management district formed under RSA 53-B or to the debts or obligations incurred by such a district. Debts or obligations of a member municipality to such a district shall at no time be included in the net indebtedness of the municipality for the purposes of determining its borrowing capacity.

16 Surety Bond. Amend the introductory paragraph of RSA 41:6, I to read as follows:

I. Town treasurers, trustees as provided in RSA 31:22 and 23, *trustees as provided in RSA 53-B:8-a, I*, library trustees investing funds as provided in RSA 202-A:23, town clerks, tax collectors and their deputies, and agents authorized to collect the boat fee shall be bonded by position under a blanket bond from a surety company authorized to do business in this state. The bond shall indemnify against losses through:

17 Repeal. The following provisions are repealed:

I. RSA 53-B:1, relative to refuse disposal planning committees.

II. RSA 53-B:4, relative to refuse disposal district agreements.

III. RSA 53-B:5, relative to regional refuse disposal planning board findings.

IV. RSA 53-B:7-a, relative to district agreement powers.

V. RSA 53-B:11, relative to sales, leases and licenses.

18 Effective Date. This act shall take effect 60 days after passage.

Adopted.

Report adopted and ordered to third reading.

HB 1285-FN-L, establishing contract limitations for the disposal of solid waste. OUGHT TO PASS WITH AMENDMENT

Rep. Amanda A. Merrill for Environment and Agriculture: HB 1285 as amended makes changes in RSA 53-B relative to contracts entered into by solid waste districts for the use of solid waste management facilities. The bill clarifies that such contracts must be consistent with the State's waste management hierarchy and goals and that the district may supplement tonnage to the facility if needed provided that such action is provided for in contract and is in compliance with State law regarding service areas for solid waste facilities (RSA 149-M:10-c, the "public benefit law"). Vote 15-1.

Amendment (5563B)

Amend the title of the bill by replacing it with the following:

AN ACT

permitting solid waste management districts to contract with certain persons for solid waste management services.

Amend the bill by replacing all after the enacting clause with the following:

1 Solid Waste; Contractual Powers. RSA 53-B:7, XX is repealed and reenacted to read as follows:

XX. To contract with any person who owns or operates any facility for the provision of solid waste management services. Such contract shall be consistent with the hierarchy and goals of solid waste management under RSA 149-M:1-a. A contract for facility use may call for delivery of guaranteed minimum tonnage, provided that said contract is in keeping with the policy set forth in 149-M:1-a. In the event that a district's delivered tonnage falls below the level stipulated in contract, the district may procure tonnage from sources outside the district, in compliance with the public benefit requirements of RSA 149-M:10-c and as provided in the contract. A contract may contain such other terms and conditions as the district may determine to be in its best interest.

2 Contingency. If HB 622-FN, "An Act relative to solid waste management districts" of the 1994 legislative session becomes law, section 1 of this act shall take effect at 12:01 a.m. on the effective date of section 2 of HB 622-FN. If HB 622-FN does not become law, section 1 of this act shall not take effect.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. Section 2 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes solid waste management districts to contract with certain persons for solid waste management services. This bill is contingent upon passage of 1994, HB 622-FN, relative to solid waste management districts.

Rep. Amanda Merrill spoke in favor.

Adopted.

Rep. Amanda Merrill offered a floor amendment.

Floor Amendment (5616B)

Amend the bill by replacing all after the enacting clause with the following:

1 Solid Waste; Contractual Powers. RSA 53-B:7, XX is repealed and reenacted to read as follows:

XX. To contract with any person who owns or operates any facility for the provision of solid waste management services. Such contract shall be consistent with the hierarchy and goals of solid waste management under RSA 149-M:1-a. A contract for facility use may call for delivery of guaranteed minimum tonnage, provided that said contract is in keeping with the policy set forth in 149-M:1-a. In the event that a district's delivered tonnage falls below the level stipulated in contract, the district may procure tonnage from sources outside the district, in compliance with the public benefit requirements of RSA 149-M:10-c and as provided in the contract. A contract may contain such other terms and conditions as the district may determine to be in its best interest.

2 Solid Waste; Contractual Powers. Amend RSA 53-B:7, by inserting after paragraph XIV the following new paragraph:

XV. To contract with any person who owns or operates any facility for the provision of solid waste management services. Such contract shall be consistent with the hierarchy and goals of solid waste management under RSA 149-M:1-a. A contract for facility use may call for delivery of guaranteed minimum tonnage, provided that said contract is in keeping with the policy set forth in 149-M:1-a. In the event that a district's delivered tonnage falls below the level stipulated in contract, the district may procure tonnage from sources outside the district, in compliance with the public benefit requirements of RSA 149-M:10-c and as provided in the contract. A contract may contain such other terms and conditions as the district may determine to be in its best interest.

3 Contingency. If HB 622-FN, "An Act relative to solid waste management districts" of the 1994 legislative session becomes law, section 1 of this act shall take effect at 12:01 a.m. on the effective date of section 2 of HB 622-FN and section 2 of this act shall not take effect. If HB 622-FN does not become law, section 2 of this act shall take effect upon its passage and section 1 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

II. Section 3 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes solid waste management districts to contract with certain persons for solid waste management services.

Adopted.

Report adopted and ordered to third reading.

HB 1372, establishing the granite state cultural legacy award. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond A. Lundborn for Executive Departments and Administration: The majority of the committee felt that the Granite State Legacy Award sponsored by the New Hampshire Legislature would be a strong recognition of an individual, group or community which has made an outstanding contribution to the promotion of cultural appreciation and achievement within the state. This bill sets up the mechanism for determining the recipient. Vote 13-1.

Amendment (5226B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this bill is to provide a means for the New Hampshire legislature to recognize an individual, group, or community which has made an outstanding contribution to the cultural legacy of New Hampshire.

2 New Subdivision; Granite State Cultural Legacy Award; Criteria; Selection Process. Amend RSA 21-K by inserting after section 16 the following new subdivision:

Granite State Cultural Legacy Award

21-K:17 Granite State Cultural Legacy Award; Criteria; Selection Process.

1. The granite state cultural legacy award shall be awarded biennially to an individual, group or community which has made an outstanding contribution to the promotion of cultural appreciation and achievement within the state.

II. Nominations shall be solicited from each member of the legislature before April 15 in the first year of the biennium on a form provided to each member of the legislature by the awards committee.

III.(a)(1) A selection committee is established consisting of 3 members of the senate appointed by the senate president; 3 members of the house of representatives, appointed by the speaker of the house; one member from the New Hampshire Council on the Arts, appointed by that council; one member from the New Hampshire Council on Humanities, appointed by that council; and one member from the division of historical resources, department of cultural affairs, appointed by the director.

(2) The first-named member of the house shall call the first meeting within 60 days of the effective date of this act.

(3) A chairperson shall be elected by the members of the committee.

(4) Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

(b) Specific cultural areas which shall be considered include the arts, the humanities, and historic preservation. Awards shall be based on the following criteria:

(1) The significance and magnitude of the contribution or achievement.

(2) The range of the state's population affected and the degree of recognition brought about by the contribution or achievement.

(3) The duration and intensity of commitment shown by the individual, organization, or community toward the contribution or achievement.

(c) The committee shall review all nominations and provide suitable recognition to an individual, organization, or community which has made an outstanding contribution to the arts, humanities, or historic preservation according to the criteria set forth in subparagraph (b).

IV. This granite state cultural legacy award shall be presented to the recipient or recipients during a joint session of the legislature during the month of April in the second year of the biennium.

3 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

HB 1407, changing the title of Washington's Birthday to Lincoln and Washington Day. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. John J. Sytek for the Majority of Executive Departments and Administration: Although all Gaul may have been divided into three parts, committee sentiment on this bill was divided into just over two principal camps. The minority favored the bill which adds Lincoln's name to the Washington's birthday holiday. The majority, feeling this was the wrong direction, considered amending the name of the holiday to Presidents' Day. This would be in keeping with the trend towards naming holidays to honor the significant causes that individual heroes helped achieve rather than the heroes themselves. But these members recognized that such an approach arguably ought to require a more complete examination of the issue (e.g. Columbus Day v. Native American Day) than time allowed. Finally, some felt that the situation was not sufficiently broke to warrant fixing. For these reasons, the majority recommended ITL. Vote 10-4.

Reps. J. Gregory McGrath, Robert P. Asselin, Bonnie K. Groves and Cynthia A. McGovern for the Minority of Executive Departments and Administration: The minority of the commit-

tee believes that a generically named holiday to honor all presidents, the good and less than good, honors none of them. We do a greater tribute to the office by naming a holiday for the two men who are universally acclaimed as having been two of our greatest presidents.

Rep. McGrath moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Reps. Gilmore and McGrath spoke in favor.

Reps. Boucher and John Sytek spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 86 NAYS 252

YEAS 86

BELKNAP

Rosen, Ralph	Salatiello, Thomas	Smith, Linda
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CARROLL

Wiggin, Gordon

CHESHIRE

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Kingsbury, H. Thayer
Manning, Joseph	Pratt, Irene	Richardson, Barbara	

COOS

Bradley, Paula	Harwell, Tyler	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar			

GRAFTON

Below, Clifton	Copenhaver, Marion	Croy, Elizabeth	Guest, Robert
Hill, Richard	McIlwaine, Deborah	Nordgren, Sharon	

HILLSBOROUGH

Ahern, Richard	Asselin, Robert	Bergeron, Normand	Buckley, Raymond
Clemons, Jane	Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Patricia
Hall, Betty	Healy, Daniel	Jean, Claudette	Kirby, Thomas
Lozeau, Donnalee	Messier, Irene	Morrisette, Roland	Murphy, Robert
Reidy, Frank	Smith, Leonard	Soucy, Donna	Soucy, Richard
White, John			

MERRIMACK

Braiterman, Thea	Coughlin, Anne	French, Barbara	Hall, Douglas
Kennedy, Richard	Moore, Carol	Newland, Matthew	Rogers, Katherine
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Caswell, Albert, Jr.	Clark, Martha	Groves, Bonnie	Hurst, Sharleene
Kane, Cecelia	McGovern, Cynthia	O'Keefe, Patricia	Pantelakos, Laura
Splaine, James	St. Martin, Tommy	Syracusa, Anthony	Williamson, William

STRAFFORD

Gilmore, Gary	Hashem, Elaine	Hemon, Roland	Hilliard, Dana
Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory
Merrill, Amanda	Pageotte, Donald	Pelletier, Arthur	Rogers, Rose Marie
Snyder, Clair	Wheeler, Katherine		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Kane, Joan
Palmer, Lorraine	Stamatakis, Carol		

NAYS 252 BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Turner, Robert

Cain, Thomas
Hauck, William
Laflam, Robert
Young, Niel

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Ziegra, Alice

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.

CARROLL

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Mock, Henry

Dickinson, Howard, Jr.
Philbrick, Donald

CHESHIRE

Delano, Robert
Metzger, Katherine
Smith, Edwin

Hunt, John
Pearson, Gertrude
Young, David

McGuirk, Paul
Robertson, Timothy

McNamara, Wanda
Royce, H. Charles

COOS

Burns, Harold
Merrill, Gerald

Coulombe, Henry
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Eaton, Stephanie
Rose, William
Wadsworth, Karen

Bean, Pamela
Gordon, Edward
Scanlan, David
Ward, Kathleen

Brown, Alson
Ham, Bonnie
Teschner, Douglass

Brown, Patricia
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Bowers, Dorothy
Chabot, Robert
Desrosiers, William
Dyer, Merton
Fields, Dennis
Gagnon, Eugene
Hanselman, Gregory
Hunter, Bruce
Kelley, Robert
Laughlin, J. Francis
McCarty, Winston
Mittelman, David
O'Hearn, Jane
Peters, Stanley
Rheault, Lillian
Searles, Stanley, Sr.
Toomey, Kathryn
Wells, Peter, Sr.

Allen, W. Gordon
Bagley, Amy
Burke, M. Virginia
Cote, David
Dodge, Emma
Dykstra, Leona
Foster, Linda
Gervais, Glen
Hart, Nick
Jean, Loren
Kurk, Neal
Lefebvre, Roland
McRae, Karen
Moncrief, Keith
Packard, Bonnie
Philbrook, Paula
Riley, Frances
Stewart, Thomas
Turgeon, Roland
Wheeler, Robert

Amidon, Eleanor
Bergeron, Lucien
Calawa, Leon, Jr.
Crotty, Edward
Drolet, Paul
Fenton, James
Franks, Suzan
Greenberg, Gary
Holden, Carol
Johnson, Lionel
L'Heureux, Robert
Lessard, Rudy
Mercer, Robert
Moore, Elizabeth
Paquette, Rodolphe
Plourde, Alphonse
Rothhaus, Finlay
Sullens, Joan
Upton, Barbara
Wright, George

Andrews, Frederick
Borsa, Andrew
Cepaitis, Elizabeth
Daniels, Gary
Durham, Susan
Ferguson, Charles
Gage, Ruth
Haettenschwiller, Alphonse
Holley, Sylvia
Kelley, Dana
Lachut, Ervin
Lown, Elizabeth
Milligan, Robert
Morello, Michael
Perkins, Paul
Record, Alice
Sallada, Roland
Tate, Joan
Weergang, Alida

MERRIMACK

Barberia, Richard
Chandler, John
Fillion, Paul
Holmes, Mary
Lockwood, Robert
Plaff, Terence
Teague, Bert

Buessing, Marjorie
Daneault, Gabriel
Gilbreth, Robert
Houlahan, Thomas
Mitchell, Vernon
Regan, Maurice
Whalley, Michael

Carter, Susan
Dunn, Miriam
Hager, Elizabeth
Kidder, William
Nichols, Avis
Shaw, Randall
Whittemore, James

Chandler, Earle
Feuerstein, Martin
Hess, David
Langer, Ray
Owen, Derek
Stapleton, Henry
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Beaulieu, Jon	Bell, Juanita
Blake, Daniel	Boucher, William	Bove, Martin	Buco, Stephen
Campbell, Marilyn	Case, Margaret	Chester, Sherman	Christie, Andrew, Jr.
Clark, Vivian	Coes, Betsy	Conroy, Janet	Cote, Charles
Cole, Patricia	Crossman, Harold, Jr.	DiPietro, Carmela	Dowd, Sandra
Dowling, Patricia	Drake, Herbert	Dube, LeRoy	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gorman, Donald	Hazeltan, Robert	Hemenway, Thomas	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemarczyk, Thaddeus
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Lovejoy, Marian
MacDonald, Maurice	Malcolm, Kenneth	McKinney, Betsy	Noyes, Richard
Packard, Sherman	Pratt, Katharin	Pullman, Robert	Putnam, Ed, II
Raynowska, Bernard	Ritzo, Eugene	Rosencrantz, James	Rubin, George
Senter, Merilyn	Skinner, Patricia	Smith, Arthur	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Sytek, John	Vaughn, Charles
Warburton, Calvin	Welch, David	Weyler, Kenneth	Woods, Deborah
Yennaco, Carol			

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Douglass, Clyde
Dunlap, Patricia	Keans, Sandra	Knowles, William	McKinley, Robert
Nehring, William	Pelletier, Marsha	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Torr, Ralph	Vincent, Francis
Wall, Janet	Wasson, Richard		

SULLIVAN

Behrens, Thomas	Domini, Irene	Flint, Gordon	Holl, Ann
Lindblade, Eric	Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle

and the motion failed.
Report adopted.

HB 1365, clarifying legislative intent relative to municipal ordinances. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Municipal and County Government: This bill sets a standard for the preemption of municipal ordinances. It requires that state legislation and rules intended to preempt municipal ordinances expressly state that intent. The amendment eliminates section II which made the bill retroactive. Vote 15-2.

Amendment (5375B)

Amend RSA 31:132 as inserted by section 1 of the bill by replacing it with the following:
31:132 Standard of Preemption. No state legislation passed after the effective date of this section shall preempt the authority otherwise granted to a municipality to enact any ordinance, rule, or bylaw unless such legislation expressly states that it is the intent of the legislature to preempt municipal authority.

AMENDED ANALYSIS

This bill sets a standard for the preemption of municipal ordinances. It requires that state legislation and rules intended to preempt municipal ordinances expressly state that intent.
Adopted.

Report adopted and ordered to third reading.

HB 1431-FN, providing for the election of members to the county convention as a separate county office. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Noyes for the Majority of Municipal and County Government: The committee was still closely divided on key issues in this significant bill, although by no means "dead-

locked," when time ran out. The bill was a sleeper. It had far less testimony than the concept deserves, since it can potentially have far-reaching impact on how we govern ourselves. There are several consequences to be explored which were not raised in testimony but which became obvious in our deliberations. The effort already made has opened a process which can pay a dividend if given the time and thought this significant proposal deserves. Vote 14-3.

Reps. Tommy J. St. Martin and Glen C. Gervais for the Minority of Municipal and County Government: The minority supports Ought To Pass With Amendment. Amendment 5406B failed on a 9-8 vote. It would allow the voters in a county, on petition of 3% of that county's voters, to decide for themselves whether to separate the offices of state representative and county delegate. People could still serve in both offices, but would be elected to each separately. The minority believes this bill, with amendment, is a reasonable option to offer voters.

Majority report adopted.

HB 1454, relative to the authority of the county commissioners over certain elected county officials. **INEXPEDIENT TO LEGISLATE**

Reps. Thomas E.P. Rice, Jr. and Clair A. Snyder for Municipal and County Government: This is a broad bill to address a narrow problem, a state-wide bill to address a one-county problem, which should be dealt with by the subject county. The committee considered several options, including making this specific to Rockingham County, but could not agree on an amendment. Vote 13-4.

Rep. Donna Sytek moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Wadsworth spoke in favor.

Adopted.

Rep. Donna Sytek offered a floor amendment.

Floor Amendment (5596B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to competitive bidding, and budget, personnel and purchasing procedures in Rockingham county.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Powers and Duties of Rockingham County Commissioners. Amend RSA 28 by inserting after section 8-e the following new sections:

28:8-f Competitive Bidding on Purchases and Services in Rockingham County.

I. The provisions of this section shall apply to all county departments in Rockingham county, and to the offices of county sheriff, county attorney, county treasurer, and register of deeds in Rockingham county.

II. Any purchase of equipment, materials, or services made by Rockingham county in an amount exceeding \$1,000 shall be by competitive bidding, provided that the county commissioners by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be recorded in their offices with a statement of the reason therefor and such record shall be open to public inspection. Orders for equipment or material to be delivered or for services to be provided at different times where the single delivery or service may be less than \$1,000 but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

28:8-g Budget, Personnel, and Purchasing Procedures in Rockingham County. The provisions of this section shall only apply in Rockingham county. The county commissioners in Rockingham county may establish procedures relating to the budget, personnel, and purchasing by appointed and elected county officials. Such procedures shall be designed for efficiency of administration of county business and shall not conflict with specific statutory or constitutional duties of elected county officials.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The provisions of this bill are applicable only in Rockingham county.

This bill specifies that the Rockingham county commissioners shall have authority over the competitive bidding process for purchases and services and that this applies to all county departments and to the offices of county attorney, county sheriff, county treasurer, and register of deeds. The bill also authorizes the Rockingham county commissioners to establish procedures relating to the budget, personnel, and purchasing by appointed and elected county officials. These procedures shall be designed for efficiency of administration of county business and shall not conflict with specific statutory or constitutional duties of elected county officials.

Adopted.

Report adopted and ordered to third reading.

HB 1484-L, relative to the tax exempt status of certain properties. OUGHT TO PASS WITH AMENDMENT

Rep. Richard Noyes for Municipal and County Government: While this bill touches a lot of nerves, testimony confirmed the base argument: exemption laws, as they now exist, leave a great deal of uncertainty for those who have to enforce them. The bill, as amended, intends to remove those uncertainties without removing the traditional exemptions for which there is broad public support. Its effect will be to close loopholes and protect against abuse. Vote 13-4.

Rep. Wadsworth yielded to questions.

Amendment (5444B)

Amend the bill by replacing all after the enacting clause with the following:

1 Exemption From Property Tax. Amend RSA 72:23, III-V to read as follows:

III. Houses of public worship, parish houses, church parsonages occupied by their pastors, convents, monasteries, buildings [used principally] *and the lands appertaining to them owned, used and occupied directly* for religious training or for other religious purposes[, and the lands thereto appertaining owned and occupied] by any regularly recognized and constituted denomination, creed or sect, organized [or], incorporated *or legally doing business* in this state and the personal property used by them for the purposes for which they are established.

IV. The buildings and structures of schools, seminaries of learning, colleges, academies and universities organized [or], incorporated or [carrying on their principal activities] *legally doing business* in this state and owned, used and occupied by them *directly* for the purposes for which they are established, including but not limited to the dormitories, dining rooms, kitchens, auditoriums, classrooms, infirmaries, administrative and utility rooms and buildings connected therewith, athletic fields and facilities and gymnasiums, boat houses and wharves belonging to them and used in connection therewith, and the land thereto appertaining but not including lands and buildings not used and occupied directly for the purposes for which they are organized or incorporated, and the personal property used by them *directly* for the purposes for which they are established, provided none of the income or profits are divided among the members or stockholders or used or appropriated for any other purpose than the purpose for which they are organized or established; provided further that if the value of the dormitories, dining rooms and kitchens shall exceed \$150,000, the value thereof in excess of said sum shall be taxable. A town at an annual town meeting or the governing body of a city may vote to increase the amount of the exemption upon dormitories, dining rooms and kitchens.

V. The [real estate] *buildings, lands* and personal property [owned by] *of* charitable organizations and societies organized [or], incorporated [in this state], or [having a principal place of business] *legally doing business* in this state, *owned, used* and occupied [and used] by them *directly* for the purposes for which they are established, provided that none of the income or profits thereof is used for any other purpose than the purpose for which they are established.

2 Collection of Additional Data. Amend RSA 72:23-c to read as follows:

72:23-c Annual List

I. Every religious, educational and charitable organization, Grange, the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the American National Red Cross and any other national veterans association shall annually, on or before April 15, file a

list of all real estate and personal property owned by them on which exemption from taxation is claimed, upon a form prescribed and provided by the board of tax and land appeals, with the selectmen or assessors of the place where such real estate and personal property are taxable. If any such organization or corporation shall willfully neglect or refuse to file such list upon request therefor, the selectmen may deny the exemption. *If any organization, otherwise qualified to receive an exemption, shall satisfy the selectmen or assessors that they were prevented by accident, mistake or misfortune from filing an application on or before April 15, the officials may receive the application at a later date and an exemption thereunder for that year; but no such application shall be received or exemption granted after the local tax rate has been approved for that year.*

II. City assessors, boards of selectmen, and other officials having power to act under the provisions of this chapter to grant or deny tax exemptions to religious, educational, and charitable organizations shall have the authority to request such materials concerning the organization seeking exemption including its organizational documents, nature of membership, operations, property and the nature of that property, and such other information as shall be reasonably required to make determinations of exemption of property under this chapter. Such information shall be provided within 30 days of a written request. Failure to provide information requested under this section shall result in a denial of exemption unless it is found that such requests were unreasonable.

3 Definition of "Charitable". Amend RSA 72:23-1 to read as follows:

72:23-1 Definition of "Charitable". The term "charitable" as used to describe a corporation, society or other organization within the scope of this chapter, including RSA 72:23 and 72:23-k, shall mean a corporation, society or organization established and administered for the purpose of performing, and obligated, by its charter or otherwise, to perform some service of public good or welfare [for the benefit] *advancing the spiritual, physical, intellectual, social or economic well-being* of the general public[,] or a substantial and indefinite segment of the general public *that includes residents of the state of New Hampshire*, with no pecuniary profit or benefit to its officers or members, or any restrictions which confine its benefits or services to such officers or members, or those of any related organization. The fact that an organization's activities are not conducted for profit shall not in itself be sufficient to render the organization "charitable" for purposes of this chapter, nor shall the organization's treatment under the United States Internal Revenue Code of 1986, as amended. This section is not intended to abrogate the meaning of "charitable" under the common law of New Hampshire.

4 New Section; Applicability of Exemptions. Amend RSA 72 by inserting after section 23-1 the following new section:

72:23-m Applicability of Exemptions. The exemptions afforded by RSA 72:23 or 72:23-a through 72:23-k, as well as exemptions granted by other provisions of law shall be construed to confer exemption only upon property which meets requirements of the statute under which the exemption is claimed. The burden of demonstrating the applicability of any exemption shall be upon the claimant.

5 Effective Date. This act shall take effect April 1, 1994.

AMENDED ANALYSIS

This bill places increased restrictions on the granting of property tax exemptions on property owned by churches, schools, colleges, universities and charitable organizations.

Adopted.

Roll call request not sufficiently seconded.

Report adopted and ordered to third reading.

Rep. Houlihan wished to be recorded in opposition.

HB 625-FN-A, relative to the sale of fireworks and levying a tax thereon. REFER TO FOR INTERIM STUDY

Rep. Douglass P. Teschner for Ways and Means: The Committee has difficulty with the fees and the associated fiscal impact of this bill including (1) the relationship between fee revenue and regulatory costs; (2) the fiscal impact of the bill on municipalities; and, (3) the issue

of regulating fees charged by municipalities. Therefore, the committee, consistent with its ongoing review of existing fees, recommends interim study in order to address these issues with input from the Appropriations and Municipal and County Government Committees. Vote 14-0.

Adopted.

HB 639, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Ways and Means: The Committee amendment (1) keeps the fee at \$25 as recommended by the policy committee; (2) deletes the dedicated fund; and, (3) reduces the appropriation to \$4,000 for the first year's costs. Vote 18-0.

Amendment (5511B)

Amend RSA 205-A:31 as inserted by section 1 of the bill by deleting it and renumbering RSA 205-A:32 to read as RSA 205-A:31.

Amend RSA 205-A:31 as inserted by section 1 of the bill by replacing it with the following:

205-A:31 Rulemaking. The board, with the approval of the bureau chief of the consumer protection and antitrust bureau, shall adopt rules under RSA 541-A relative to the administration of this subdivision.

Amend the bill by deleting section 2 and renumbering sections 3-6 to read as 2-5, respectively.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$4,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the board established in section 1 of this act for its first year costs. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill establishes a board of manufactured housing to address grievances of tenants and owners of manufactured housing parks. The board does not have jurisdiction over issues relative to rent or eviction.

The manufactured housing board is to be funded through a filing fee.

The bill makes an appropriation for the board's first year costs.

Adopted.

Report adopted and ordered to third reading.

HB 1111, permitting one-day family fishing licenses upon payment of a certain fee. **OUGHT TO PASS**

Rep. Douglass P. Teschner for Ways and Means: The Committee found the fee for the family fishing license (proposed by the Wildlife and Marine Resources Committee) to be reasonable and recommends that the bill be passed without further amendment. Vote 13-0.

Adopted and ordered to third reading.

HB 1142-FN, relative to lenders regulated by the banking department and relative to consumer credit transactions. **OUGHT TO PASS**

Rep. Douglass P. Teschner for Ways and Means: The Committee recommends passage of the bill as adopted by the Commerce Committee. The \$250 fee is in current law and will now be applied to non-depository lenders as well as banks. Vote 15-0.

Adopted and ordered to third reading.

HB 1145-FN, relative to cashers of checks and setting certain fees. **REFER FOR INTERIM STUDY**

Rep. Douglass P. Teschner for Ways and Means: The Committee has many questions about the fees in this bill. The \$350 license fee needs further justification, and the committee questions having separate \$100 fees for changing address and changing the place of business. The committee supported interim study to give us time to work these fee issues out with input from the Banking Department and Commerce Committee. Vote 15-0.

Adopted.

HB 1439, establishing license and license fee requirements for the taking of sea urchins. **OUGHT TO PASS**

Rep. Douglass P. Teschner for Ways and Means: The Committee found that the fees in this bill have been in place since 1983. This bill, as adopted by the Wildlife and Marine Resources Committee, expands the license and fee requirements for the taking of sea urchins. Vote 14-0.

Adopted and ordered to third reading.

HB 1493-FN-A, exempting subchapter S corporations from the payment of the interest and dividends tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roland Sallada for Ways and Means: It was with agreement of the sponsor of the original bill that the title be changed and used for a bill "relative to tax refunds by the Department of Revenue Administration." The bill will simplify the procedure that shall be taken when a taxpayer wishes to challenge their liability, and they shall file within 60 days of paying their tax. It also ties into the new United States Tax Code of August 10, 1993. It has no effect nor does it bar any existing right to claim a refund. Vote 14-0.

Amendment (5425B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to tax refunds from the department of revenue administration.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Tax Refunds. Amend RSA 21-J:28-a by inserting after paragraph V the following new paragraph:

VI. The procedure outlined in this section and in RSA 21-J:28-b shall be the exclusive method by which taxpayers may challenge their liability for any tax, or the application to them of any provision of this chapter.

2 Statute of Limitations for Refund or Credit. Amend RSA 21-J:29, I(b) to read as follows:

(b) Except as otherwise provided, any claim for a refund or credit [that] shall be made within 3 years from the due date of the tax upon which such refund is claimed or within 2 years from the date the tax was paid, whichever is later.

3 New Subparagraph; Claim for Refund or Credit. Amend RSA 21-J:29, I by inserting after subparagraph (c) the following new subparagraph:

(d) Notwithstanding subparagraphs I(b) and (c), any claim for refund or credit of taxes based upon a claim that the tax or any provision thereof is unconstitutional under the federal or state constitution shall be made within 60 days of the due date of the tax upon which such refund is claimed.

4 New Subparagraph; United States Internal Revenue Code. Amend RSA 77-A:1, XX by inserting after subparagraph (f) the following new subparagraph:

(g) For all tax years beginning after December 31, 1992, the United States Internal Revenue Code of 1986, in effect on August 10, 1993.

5 Applicability. The provisions of section 3 of this act shall not bar any existing right to claim a refund; provided, however, that every such claim shall be made according to the provisions of RSA 21-J:29 within 30 days of the effective date of this act.

6 Effective Date.

I. Sections 1, 2, 4, 5 and 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill clarifies the procedure for tax refunds and the statute of limitations for taxes which are administered by the department of revenue administration.

Adopted.

Report adopted and ordered to third reading.

HB 1507-FN, relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Ways and Means: The Committee did research on Maine and Rhode Island relative to the number of tattoo artists and establishments and their state fees.

As a result of this information and additional discussion, the committee amended the bill by (1) setting a \$50 fee in statute (rather than in rulemaking as in the original bill) and (2) removing the dedicated fund and putting an appropriation of \$6399 in Fiscal Year 1995. Vote 16-0.

Amendment (5393B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Tattoo Parlors. Amend RSA by inserting after chapter 314 the following new chapter:

CHAPTER 314-A TATTOO PARLORS

314-A:1 Definitions. In this chapter:

I. "Director" means the director of the division of public health services, department of health and human services.

II. "Practitioner" means a person who practices tattooing.

III. "Tattoo" means an indelible mark or figure fixed upon the surface of the body by the insertion of pigment under the skin or by the production of scars.

314-A:2 License Required; Fees. No practitioner of tattooing shall practice and no establishment in which tattoos are applied shall be operated without a license issued by the director. The annual license fee for each practitioner and each establishment shall be \$50, which shall be deposited into the general fund.

314-A:3 Rulemaking. The director shall adopt rules, under RSA 541-A, relative to the hygienic practice of tattooing and sanitary operations of tattoo establishments. Such rules shall include:

I. Standards of hygiene to be met and maintained by establishments and practitioners in order to receive and maintain a license to carry out the practice of tattooing.

II. Procedures to be used to grant a license, revoke a license, and reinstitute a license.

III. Inspection of tattoo establishments.

IV. Any other matter necessary to the administration of this chapter.

314-A:4 Applicability. The standards of hygiene and sanitary operation for the practice of tattooing adopted by rule under RSA 314-A:3, I shall also apply to the practice of body piercing taking place in tattoo establishments required to be licensed under this chapter. For the purpose of this section, "body piercing" means any piercing of the human body.

314-A:5 Exemptions.

I. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law from performing the occupation for which such person is licensed.

II. Nothing in this chapter shall be construed as preventing towns and cities from prohibiting or regulating the practice of tattooing under RSA 31 and RSA 47, provided that such regulation shall be no less stringent than the provisions of this chapter or rules adopted pursuant to this chapter.

314-A:6 Penalty. Any person who violates the provisions of this chapter shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

2 Appropriation. The sum of \$6,399 for the fiscal year ending June 30, 1995, is hereby appropriated to the division of public health services, department of health and human services for the purposes of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill requires practitioners of tattooing and tattoo establishments to be licensed and authorizes the director, division of public health services, to issue the license.

The bill requires the hygiene and sanitary procedures adopted by rule under this law to apply to the practice of body piercing taking place in establishments requiring licensure under this bill.

The bill makes an appropriation for the purposes of the bill.

Adopted.

Report adopted and ordered to third reading.

HB 1572-FN, relative to public employee labor relations and filing fees. OUGHT TO PASS WITH AMENDMENT

Rep. Douglass P. Teschner for Ways and Means: The Committee amendment (1) maintains the policy committee recommendation that the fee be set at \$60; (2) corrects two typographical errors as requested by the Labor Committee; (3) provides a \$6,000 appropriation to the general fund for Fiscal Year 1995 (which is offset by anticipated revenue of \$60/fee x 100 cases); (4) removes, at the request of the Appropriations Committee, a per diem increase for board members (subject to that committee's review of all board per diems); (5) changes the effective date to July 1, 1994; (6) empowers the Public Employee Labor Relations Board (PELRB) to accept gifts, grants, and donations; and, (7) gives the PELRB explicit authority to contract out for indexing. Vote 15-0.

Amendment (5477B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the public employee labor relations board and filing fees and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Board Membership; List of Nominees. Amend RSA 273-A:2, I and I-a to read as follows:

I. There is hereby created a public employee labor relations board consisting of 5 members, appointed by the governor and council *from lists of nominees as provided in this paragraph*. Two members shall be appointed who shall have extensive experience representing organized labor *from a list of nominees provided by labor groups representing employees who are subject to the provisions of RSA 273-A*. Two members shall be appointed who shall have extensive experience in representing management interests *from a list of nominees provided by management groups which represent employers subject to the provisions of RSA 273-A*. One member, who shall be the [chairman] *chairperson*, shall be appointed to represent the public at large, *shall not be a public sector employee* and shall not hold [elective or appointive public office, or elective or appointive office, or] elective or appointive office, or membership in, *public sector* organized labor *or be an elected or appointed official or officer of the state or any political subdivision thereof* at the time of [his] appointment or during [his] *the term of appointment*. Members of the board may be removed by the governor and council for cause.

I-a. The governor and council shall appoint, in addition to the regular board members specified in paragraph I, 3 alternate board members *from the lists of nominees provided under paragraph I*. One member shall have extensive experience representing organized labor, one member shall have extensive experience in representing management interests, and one member shall represent the public at large, *shall not be a public sector employee* and shall not hold [elective or appointive public office, or] elective or appointive office, or membership in, *public sector* organized labor *or be an elected or appointed official or officer of the state or any political subdivision thereof* at the time of [his] appointment or during [his] *the term*. Alternate board members shall serve a [6] *4-year* term, and may be removed by the governor and council *for cause*.

2 Board Membership; Terms. Amend RSA 273-A:2, II to read as follows:

II. Each member of the board shall serve for a term of [6] *4* years[, except that of the members first appointed, one shall be appointed for 2 years, one for 3 years, one for 4 years, one for 5 years and one for 6 years]. Each member shall serve until [his] *a* successor is appointed and qualified. A person appointed to fill a vacancy shall be appointed for the unexpired term by the governor and council.

3 New Paragraph; Indexing of Decisions. Amend RSA 273-A:2, by inserting after paragraph VII the following new paragraph:

VIII. All board decisions shall be indexed in a timely fashion.

4 PELRB Complaints; Filing Fees. Amend RSA 273-A:6, II to read as follows:

II. Complaints shall be filed by affidavit *and shall be accompanied by a \$60 filing fee*. A copy of the complaint shall be given to the party complained against at the time the complaint is filed. The board or its designee shall hold a hearing within 45 days under rules adopted

by the board pursuant to RSA 541-A and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the representative of any party against whom a complaint has been filed. *Fees collected under this paragraph shall be used to pay indexing of all board decisions.*

5 New Paragraph; Board Decisions. Amend RSA 273-A:6 by inserting after paragraph VIII the following new paragraph:

IX. Any order issued by the board shall contain findings of fact and rulings of law on which the order is based. Any other decision made by the board shall contain, in a written record of oral proceedings or other written document, findings of fact and rulings of law on which the decision is based.

6 New Section; Board Authorized to Receive Gifts. Amend RSA 273-A by inserting after section 16 the following new section:

273-A:17 Gifts, Grants, or Donations. The board is authorized to receive any gifts, grants, or donations and to disburse and expend such gifts, grants, and donations.

7 Applicability. This act shall not affect the terms of board members serving on the public employee labor relations board on the effective date of this act. Appointments to the board under this act shall take effect as the terms of current board members expire.

8 Appropriation. The sum of \$6,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the public employee labor relations board for the purposes of this act. This appropriation is in addition to any other funds appropriated to the board. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Contracting for Services. The public employee labor relations board may contract for services for the purpose of indexing its decisions.

10 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill modifies the public employee labor relations board's appointment procedures and payment for services.

This bill requires complainants to submit a filing fee and requires that orders issued by the board contain findings of fact and rulings of law.

This bill requires the board to index its decisions and permits the board to contract for services relative to indexing.

This bill also makes an appropriation to the board for the purposes of the bill.

Rep. Teschner yielded to questions.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDER

Rep. McCarty moved that **HB 1152**, requiring insurance companies to give discounts to drivers over 55 years who complete an approved driver safety course, be made a special order for March 16.

Rep. Mercer spoke against.

Rep. McCarty yielded to questions.

On a division vote, 160 members having voted in the affirmative and 166 in the negative, the motion failed.

HB 1152, requiring insurance companies to give discounts to drivers over 55 years who complete an approved driver safety course. INEXPEDIENT TO LEGISLATE

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: The bill, as written, does not require successful completion of a driver safety course with a passing grade, as no tests are given. The present New Hampshire insurance program already allows up to a 20 percent reduction for safe 55 and over drivers. This bill would mandate an additional discount for just taking this course. After much study of states with data, the committee was unable to determine that there was any significant difference in the accident records of those who have taken the course and those who have not. The New Hampshire Insurance Department also testified against the bill. Vote 16-2.

Rep. McCarty moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Mercer spoke against.

Rep. Manning spoke in favor and yielded to questions.

Rep. Bonnie Packard spoke against and yielded to questions.

The motion failed and the report was adopted.

HB 1437, requiring members of certain professions to provide written notice to their clients or customers if such professionals do not carry malpractice insurance. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: The committee felt this bill was too difficult to implement and would cause more problems than it solved. Vote 14-3.

Rep. Bonnie Packard moved that the words Refer for Interim Study be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Braiterman spoke in favor.

Adopted and the substituted committee report was adopted.

HB 1209-FN, relative to administrative motor vehicle suspensions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Corrections and Criminal Justice: This bill was amended by the committee to clarify the appeal process for administrative license suspension. It eliminates the de novo appeal to the Superior Court, but does allow that court to review the administrative order that was made and allow oral arguments if the court deems it necessary. Also added to this appeal process are the requirements of RSA 541:14, Appeal of Administrative Rules to the Supreme Court, to further guarantee the appellant's rights. However, the appeal is to the Superior Court in this instance. Vote 10-0.

Amendment (5528B)

Amend the bill by replacing all after the enacting clause with the following:

1 Appeal; Administrative License Suspension. Amend RSA 263:75 to read as follows: 263:75 Appeal; *Administrative License Suspension*.

I. If the [revocation,] suspension [or determination that there should be a denial of issuance] is sustained after a hearing as provided in RSA 265:91-b, a person [whose license or driving privilege has been revoked or to whom a license is denied under the provisions of this chapter] shall have the right to file a petition in the superior court in the county in which he was arrested to review the final order [of revocation or denial] by the director or his authorized agent within 30 days of the date of the final order. Jurisdiction to hear such appeals is vested in the superior court[, and it shall be the duty of the court to grant a hearing as soon as practicable after notice to the director and the petitioner, but in no event less than 14 days after notice has been provided to the director. The court shall hear the appeal de novo and shall order that the revocation or denial be rescinded or sustained].

II. At the earliest practical time, the court shall review the record as developed before the director or authorized agent, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the director or agent or order that oral argument be held as justice may require. The court may remand the case to the director or authorized agent for further findings or rulings. In no event shall the oral argument be held less than 14 days after notice has been provided to the director. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the director or agent shall not be raised before the superior court. The burden of proof shall be upon the appellant to show that the decision of the director or agent was clearly unreasonable or unlawful, and all findings of the director or agent upon all questions of fact properly before him shall be deemed to be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a clear preponderance of the evidence before it, that the order is unjust or unreasonable.

III. No new or additional evidence shall be introduced in the superior court, but the case shall be determined upon the record and evidence transferred, except that in any case,

if it shall be necessary in order that no party shall be deprived of any constitutional right, or if the court shall be of the opinion that justice requires the reception of evidence of facts which have occurred since the hearing, or which by reason of accident, mistake, or misfortune could not have been offered before the director or authorized agent, it shall remand the case to the director or authorized agent to receive and consider such additional evidence.

2 Application. The provisions of section 1 of this act shall apply to administrative license suspension cases in which the arrest occurs on or after the effective date of this act.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill clarifies the appeal process for administrative license suspensions. The burden of proof is placed upon the appellant to show that the decision of the director or agent was clearly unreasonable or unlawful. The order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied by a clear preponderance of the evidence that the order is unjust or unreasonable.

Adopted.

Rep. Richard Campbell offered a floor amendment.

Floor Amendment (5617B)

Amend the bill by replacing all after the enacting clause with the following:

1 Appeal; Administrative License Suspension. Amend RSA 263:75 to read as follows: 263:75 Appeal; *Administrative License Suspension.*

I. If the [revocation,] suspension [or determination that there should be a denial of issuance] is sustained after a hearing as provided in RSA 265:91-b, a person [whose license or driving privilege has been revoked or to whom a license is denied under the provisions of this chapter] shall have the right to file a petition in the superior court in the county in which he was arrested to review the final order [of revocation or denial] by the director or his authorized agent within 30 days of the date of the final order. Jurisdiction to hear such appeals is vested in the superior court[, and it shall be the duty of the court to grant a hearing as soon as practicable after notice to the director and the petitioner, but in no event less than 14 days after notice has been provided to the director. The court shall hear the appeal de novo and shall order that the revocation or denial be rescinded or sustained].

II. At the earliest practical time, the court shall review the record as developed before the director or authorized agent, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the director or agent or order that oral argument be held. As justice may require, the court may remand the case to the director or authorized agent for further findings or rulings. In no event shall the oral argument be held less than 14 days after notice has been provided to the director. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the director or agent shall not be raised before the superior court. The burden of proof shall be upon the appellant to show that the decision of the director or agent was clearly unreasonable or unlawful, and all findings of the director or agent upon all questions of fact properly before him shall be deemed to be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a clear preponderance of the evidence before it, that the order is unjust or unreasonable.

III. No new or additional evidence shall be introduced in the superior court, but the case shall be determined upon the record and evidence transferred, except that in any case, if it shall be necessary in order that no party shall be deprived of any constitutional right, or if the court shall be of the opinion that justice requires the reception of evidence of facts which have occurred since the hearing, or which by reason of accident, mistake, or misfortune could not have been offered before the director or authorized agent, it shall remand the case to the director or authorized agent to receive and consider such additional evidence.

2 Application. The provisions of section 1 of this act shall apply to administrative license suspension cases in which the arrest occurs on or after the effective date of this act.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill clarifies the appeal process for administrative license suspensions. The burden of proof is placed upon the appellant to show that the decision of the director or agent was clearly unreasonable or unlawful. The order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied by a clear preponderance of the evidence that the order is unjust or unreasonable.

Adopted.

Report adopted and ordered to third reading.

HB 1525, relative to communications that constitute harassment. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Corrections and Criminal Justice: The current harassment statute covers only harassing telephone calls. The intent of this bill was to expand that statute to include harassment by mail or by electronic transmission. The amendment clarifies the definition of "communicates" as used in the bill, and acknowledges an exception for communications which have lawful purpose or are constitutionally protected. Vote 10-0.

Amendment (5558B)

Amend the bill by replacing all after the enacting clause with the following:

1 Harassment; Definition Modified. Amend RSA 644:4 to read as follows:

644:4 Harassment.

I. A person is guilty of a misdemeanor, and subject to prosecution in the jurisdiction where the telephone call originated or was received, if, with a purpose to annoy or alarm another, [he] such person:

[I.](a) Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication[.]; or

[II.](b) Makes repeated communications at extremely inconvenient hours or in offensively coarse language; or

[III.](c) Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.

II. A person is guilty of a misdemeanor and subject to prosecution in the jurisdiction where the communication originated or was received if such person:

(a) Knowingly communicates any matter of a character tending to incite murder, assault, or arson; or

(b) With the purpose to annoy or alarm another, communicates any matter containing any threat to kidnap any person or to commit a violation of RSA 633:4; or a threat to the life or safety of another; or

(c) With the purpose to annoy or alarm another, having been previously notified that the recipient does not desire further communication, communicates with such person when the communication is not for a lawful purpose or constitutionally protected.

III. As used in paragraph II, "communicates" means to personally deliver, or to send or to have delivered, any information or material by written or printed note or letter, package, mail, courier service or electronic transmission.

IV. In any complaint or information brought for the enforcement of RSA 644:4, II(c), it shall not be necessary to negate any exception, excuse, proviso, or exemption contained therein and the burden of proof of any exception, excuse, proviso, or exemption shall be upon the defendant.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill modifies the offense of harassment.

The bill also defines the term "communicates" relative to harassment.

Rep. Vivian Clark spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HR 47, adopting amendments to the house rule regarding capital spending legislation. INEXPEDIENT TO LEGISLATE

Rep. Pamela B. Bean for Legislative Administration: While the committee understands the concerns of the sponsor, we feel this matter would be better handled by the Rules Committee. Vote 10-0.

Rep. Harwell spoke against the Committee report.

Reps. Gene Chandler and Horton spoke in favor.

Roll call request not sufficiently seconded.

Report adopted.

(Speaker Burns in the Chair)

RECONSIDERATION

Having voted with the prevailing side, Rep. Gorman moved that the House reconsider its action whereby it adopted the Committee Report of Inexpedient to Legislate on **HB 1514-FN-L**, establishing a "gifted and talented program" for certain public schools.

Reconsideration lost.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 16, 1994.

Adopted.

LATE SESSION

Third reading and final passage

HB 1183-FN-L, providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members.

HB 1325-FN, requiring the publication of an AIDS/HIV handbook.

HB 1442-FN-A, relative to a real estate transfer questionnaire.

HB 1518-A, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from turnpike system revenue bonds.

HB 1535-FN-L, exempting certain vessels from the state vessel registration fee and the boat fee.

HB 1551-FN-A, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control.

HB 1585-FN, consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds.

HB 1177, establishing an advisory committee on child care.

HB 1429-L, exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

HB 1115, relative to violations of RSA 205-A.

HB 1159, requiring manufactured housing park owners to compensate residents for relocation costs due to change in land use of the park.

HB 1292, requiring certain disclosure during recruitment by multi-level or network marketing businesses.

HB 1309, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.

HB 1337, relative to designating a managing broker in real estate branch office in the event of a vacancy.

HB 1339, relative to bank boards of directors or trustees.

HB 1391, relative to consumer protection and going-out-of-business sales.

HB 1398, establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline.

HB 1416, relative to liens on manufactured housing.

HB 1420, relative to the sale of defective vehicles.

HB 1461, establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire.

HB 1468, allowing builders to use native lumber when the lumber is certified or stamped by a New Hampshire wood processing mill.

HB 1545, relative to disclosure regarding contests and gift giveaways.

HCR 25, a resolution in support of the free transfer of the former Pease Air Force Base.

HB 1106, making a person, who purposely engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.

HB 1134, increasing the penalty for criminal threatening and reckless conduct with a deadly weapon.

HB 1254, relative to the performance of uncompensated public service by persons convicted of crimes.

HB 1394, reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle.

HB 1165-L, repealing requirements for a census of disabled students, and providing for additional special education reimbursement for certain pupils.

HB 1270-FN-L, establishing a committee to integrate any changes in the municipal budget act into the school district laws.

HB 1288, establishing a state advisory and oversight committee on the education of children with disabilities and in accordance with federal requirements.

HCR 30, urging the state board of education to encourage local school districts to foster curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect.

HB 1327-FN, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game.

HB 1496-FN-L, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities.

HB 1512-FN, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizen advisory committee.

HB 1533, relative to the composition of the pesticide control board.

HB 1534, establishing a taskforce to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee.

HB 1368, establishing a commission to examine governmental reorganization.

HB 1379, establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report.

HB 1428, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park.

HB 1233, making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments and making a plan administrator liable for failing to meet certain employee notification requirements.

HB 1574, extending the reporting deadline for certain study committees.

HB 1582-FN, relative to state house health services.

HR 48, encouraging the Speaker of the New Hampshire house of representatives to establish a study committee on the cost and feasibility of televising sessions and committee meetings of the New Hampshire house of representatives.

HB 1226, relative to filling vacancies on the county executive committee.

HB 1228, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record.

HB 1443-L, relative to town meetings and public hearings in large towns.

HB 1469-L, relative to the definition of "impact fee" for the purpose of innovative land use controls.

HB 1539-FN, establishing a statewide intermodal transportation planning and improvement program.

HCN 31, urging that the northern forest of New Hampshire continue to be used to provide jobs for timber industry, recreation, and tourism.

HJR 21, urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States.

HB 1173, prohibiting a right turn on red when a walk signal is on.

HB 1283, relative to transporting loads on highways and establishing fines.

HB 1367, creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation.

HB 1378, allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards.

HB 1419-FN-L, relative to calculation of fees for motor vehicle registration permits.

HB 1436, exempting vessels in the federal channel from reduced speed requirements.

HB 1509, exempting persons participating in an American Water Ski Association event from the wearing of certain personal flotation devices.

HB 1143, increasing the penalties for illegal clamming.

HB 1403, requiring the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year upon failing to require necessary proof for the issuance of a license and making such person guilty of a class B misdemeanor.

HB 1440-FN, permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund.

HB 260-FN-A, establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services.

HB 1272-FN, requiring the pari-mutuel commission to pay for certain laboratory urine tests.

HB 1523-FN-A, establishing a state veterans' cemetery and making an appropriation therefor.

HB 1532-FN-L, requiring the division of public health services to establish a needle exchange program and making an appropriation therefor.

HB 1548-FN, relative to medical and surgical benefits for state employees.

HB 1553-A, making a capital appropriation to the supreme court for the design of an administrative office building.

HB 1571-A, appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse.

HB 1341, requiring delivery of non-subscription publications to cease 14 days after written notification by the recipient.

HB 1107, making crack cocaine subject to greater penalties under the controlled drug act.

HB 1569, relative to administrative review of suspended or revoked motor vehicle licenses.

HB 622-FN, relative to solid waste management districts.

HB 1285-FN-L, permitting solid waste management districts to contract with certain persons for solid waste management services.

HB 1372, establishing the granite state cultural legacy award.

HB 1365, clarifying legislative intent relative to municipal ordinances.

HB 1454, relative to competitive bidding, and budget, personnel and purchasing procedures in Rockingham county.

HB 1484, relative to the tax exempt status of certain properties.

HB 639, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.

HB 1111, permitting one-day family fishing licenses upon payment of a certain fee.

HB 1142-FN, relative to lenders regulated by the banking department and relative to consumer credit transactions.

HB 1439, establishing license and license fee requirements for the taking of sea urchins.

HB 1493-FN-A, relative to tax refunds from the department of revenue administration.

HB 1507-FN, relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act.

HB 1572-FN, relative to the public employee labor relations board and filing fees and making an appropriation therefor.

HB 1209-FN, relative to administrative motor vehicle suspensions.

HB 1525, relative to communications that constitute harassment.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:10 p.m.

RECESS

Rep. Jasper moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 12

Wednesday, March 16, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of wisdom, we come before You in bold confidence that You hear our prayers and guide our lives toward Your vision. Liberate us from inflexibility; save us from any tendency to label others; grant us patience and humility in seeking the truth; and give us not only keen minds but compassionate hearts that we may indeed be servants of one another and the people of our state. Amen.

Rep. Kidder led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. O'Brien, Cole, Vanderlosk, Sargent, Foss and Fields, the day, illness.

Reps. Wells, Merritt, Paul White, Avery, Crum, Richards, Claudette Jean, Miller, Stamatakis, Ralph Torr and Bucu, the day, important business.

Rep. Bowers, the day, illness in the family.

INTRODUCTION OF GUESTS

Jane Chandler and Mary Brown, wife and guest of Rep. John Chandler. Debra and Alicia Brien, guests of Rep. Linda Smith. Elaina Mayo, guest of Rep. Edwin Smith.

REGULAR CALENDAR

HB 1319-FN-A-L, requiring the state to fully fund the Augenblick formula by FY 1996. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin G. Torr for Appropriations: This bill would require the state to spend \$59,981,688 in FY 1996, \$67,476,688 in FY 1997 and \$75,496,688 in FY 1998 to fully fund the Augenblick formula. Those amounts are in addition to the \$47.1 million we presently have appropriated in FY 1995. The general fund does not have the resources to support an expenditure of this magnitude without making major cuts in existing programs. While it's difficult to reject such a worthwhile program, it would be irresponsible to make promises we can't keep. Vote 11-9.

Rep. Teague moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Reps. Franklin Torr and Ferguson spoke against.

Rep. Burling spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 184 NAYS 170**YEAS 184****BELKNAP**

Hawkins, Robert

Salatiello, Thomas

CARROLL

Lyman, L. Randy

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
Richardson, Barbara
Young, David

Champagne, Richard
Lynch, Margaret
Riley, William

DePecol, Benjamin
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Hawkinson, Marie

Coulombe, Henry
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

Harwell, Tyler
Wiswell, James

GRAFTON

Adams, Carl
Copenhaver, Marion
LaMott, Paul
Teschner, Douglass

Below, Clifton
Crory, Elizabeth
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Alison
Guest, Robert
McIlwaine, Deborah
Ward, Kathleen

Brown, Patricia
Ham, Bonnie
Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard
Asselin, Robert
Buckley, Raymond
Crotty, Edward
Durham, Susan
Gage, Ruth
Haettenschwiller, Alphonse
Holt, Mark
Lachut, Ervin
Lown, Elizabeth
Moore, Elizabeth
Perkins, Paul
Reidy, Frank
Soucy, Richard
Toomey, Kathryn

Ahlgren, Madelyn
Bagley, Amy
Cepaitis, Elizabeth
Daigle, Robert
Dwyer, Patricia
Gervais, Glen
Hall, Betty
Johnson, Lionel
Laughlin, J. Francis
Martin, Mary Ellen
Morrisette, Roland
Peters, Stanley
Smart, John
Stewart, Thomas
White, John

Allen, W. Gordon
Bergeron, Lucien
Clemons, Jane
Donovan, Francis
Foster, Linda
Gosselin, Gerald
Hanselman, Gregory
Kirby, Thomas
Leclerc, Charles
Messier, Irene
Nardi, Theodora
Philbrook, Paula
Smith, Leonard
Sullens, Joan

Arnold, Thomas, Jr.
Bergeron, Norinand
Cote, David
Drabinowicz, A. Theresa
Franks, Suzan
Greenberg, Gary
Hart, Nick
L'Heureux, Robert
Lefebvre, Roland
Mittelman, David
O'Rourke, Joanne
Plourde, Alphonse
Soucy, Donna
Tate, Joan

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Houlahan, Thomas
Mitchell, Vernon
Regan, Maurice
Trombly, Rick

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Johnson, Joyce May
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane

Chandler, John
Feuerstein, Martin
Hager, Elizabeth
Kidder, William
Newland, Matthew
Shaw, Randall
Ward, Jay

Coughlin, Anne
Fillion, Paul
Hall, Douglas
Lockwood, Robert
Owen, Derek
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Dowd, Sandra
Kane, Cecelia
McGovern, Cynthia
Rosencrantz, James
Syracusa, Anthony

Campbell, Marilyn
Groves, Bonnie
Klemarczyk, Thaddeus
Newman, Rick
Schanda, Joseph, Sr.
Vaughn, Charles

Case, Margaret
Hurst, Sharleene
Lovejoy, Marian
O'Keefe, Patricia
Splaine, James
Warburton, Calvin

Caswell, Albert, Jr.
Hutchinson, Karen
MacDonald, Maurice
Pantelakos, Laura
St. Martin, Tommy
Williamson, William

STRAFFORD

Brown, George
Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Pelletier, Marsha
Sullivan, Henry

Callaghan, Frank
Hambrick, Patricia
Knowles, William
McKinley, Robert
Rogers, Rose Marie
Vincent, Francis

Chagnon, Ronald
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Snyder, Clair
Wall, Janet

Dunlap, Patricia
Hilliard, Dana
Lundborn, Raymond
Pelletier, Arthur
Spear, Barbara
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon
Palmer, Lorraine

Behrens, Thomas
Holl, Ann
Schotanus, Merle

Burling, Peter
Kane, Joan

Cloutier, John
Lindblade, Eric

**NAYS 170
BELKNAP**

Bartlett, Gordon
Golden, Paul
Lafam, Robert
Smith, Linda

Cain, Thomas
Hauck, William
Lawton, David
Turner, Robert

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.
Young, Niel

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph
Ziegra, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Gordon

Chandler, Gene
Mock, Henry

CHESHIRE

Delano, Robert
Metzger, Katherine
Smith, Edwin

Hunt, John
Pearson, Gertrude

Manning, Joseph
Perry, David

McNamara, Wanda
Royce, H. Charles

COOS

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Bean, Pamela
Gordon, Edward
Trelfa, Richard

Chase, Paul, Jr.
Hill, Richard

Driscoll, William
Rose, William

Eaton, Stephanie
Scanlan, David

HILLSBOROUGH

Ahrens, Frederick
Borsa, Andrew
Cowenhoven, Garret
Dyer, Merton
Gagnon, Eugene
Jasper, Shawn
Lessard, Rudy
Milligan, Robert
Packard, Bonnie
Rheault, Lillian
Searles, Stanley, Sr.
Wheeler, Robert

Amidon, Eleanor
Burke, M. Virginia
Daniels, Gary
Dykstra, Leona
Healy, Daniel
Jean, Loren
Lozeau, Donnalee
Moncrief, Keith
Paquette, Rodolphe
Riley, Frances
Turgeon, Roland
Wright, George

Andrews, Frederick
Calawa, Leon, Jr.
Dodge, Emma
Fenton, James
Holden, Carol
Kelley, Dana
McCarty, Winston
Morello, Michael
Pepino, Leo
Rothhaus, Finlay
Upton, Barbara

Arnold, Barbara
Chabot, Robert
Drolet, Paul
Ferguson, Charles
Holley, Sylvia
Kurk, Neal
Mercer, Robert
O'Hearn, Jane
Record, Alice
Sallada, Roland
Weergang, Alida

MERRIMACK

Barberia, Richard
Holmes, Mary
Pfaff, Terence

Buessing, Marjorie
Johnson, C. William
Whalley, Michael

Chandler, Earle
Langer, Ray
Whittemore, James

Hess, David
Nichols, Avis
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Coes, Betsy
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Hemenway, Thomas
Klemm, Arthur, Jr.
McKinney, Betsy
Pratt, Katharin
Ritzo, Eugene
Smith, Arthur
Sytek, John
Yennaco, Carol

Arndt, Janet
Chester, Sherman
Conroy, Janet
Drake, Herbert
Flanagan, Natalie
Gargiulo, Louis
Johnson, Robert
Kruse, Fred
Moore, Benjamin
Pullman, Robert
Rubin, George
Stone, Joseph
Welch, David

Battles, Marjorie
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Gorman, Donald
Katsakiores, George
Lee, Rebecca
Noyes, Richard
Putnam, Ed, II
Senter, Merilyn
Stritch, C. Donald
Weyler, Kenneth

Beaulieu, Jon
Clark, Vivian
DiPietro, Carmela
Felch, Charles, Sr.
Flanders, John, Sr.
Hazelton, Robert
Katsakiores, Phyllis
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Skinner, Patricia
Sytek, Donna
Woods, Deborah

STRAFFORD

Brown, Julie
Pageotte, Donald

Douglass, Clyde
Torr, Ann

Musler, George
Torr, Franklin

Nehring, William
Wasson, Richard

SULLIVAN

Domini, Irene

Peyron, Fredrik

Rodeschin, Beverly

and the motion was adopted.

The substituted Committee report was adopted and ordered to third reading.

Rep. Stone voted nay and intended to vote yea.

Reps. Fuller Clark and Hashem wished to be recorded in favor.

Rep. Bove wished to be recorded in opposition.

HB 1458-FN-L, to provide incentive through school building aid for establishing and maintaining public kindergarten programs. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Appropriations: This bill provides that local school districts shall be eligible for an increase in school building aid for classroom construction and renovation cost for implementing new public kindergarten programs or maintaining existing public kindergarten programs. The program sunsets in the year 2000. There will be no impact on state and county revenues or on county expenditures. Vote 12-6.

Rep. Douglas Hall spoke to the bill.

On a division vote, 272 members having voted in the affirmative and 67 in the negative, the report was adopted and ordered to third reading.

HB 1320, regulating commerce pertaining to consumer transactions involving credit reporting agencies. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill is a major overhaul of the consumer credit law and includes many changes such as requiring 800 phone numbers, a free annual report, timely corrections and accountability for those who report credit information. Vote 13-1.

Amendment (5564B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Consumer Credit Reporting; Definitions Added. Amend RSA 359-B:3 by inserting after paragraph IX the following new paragraphs:

X. "Firm offer of credit" means any offer of credit to a consumer which will be honored if, based on information in a consumer report on the consumer and other information bearing on the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select the consumer for the offer.

"Accuracy," when describing information, means information which is current, correct, and complete, and neither misleading nor irrelevant.

XI. "Pre-screening" means a process by which a consumer reporting agency compiles or edits for a client a list of consumers who meet specific criteria and provides this list to the client or third party on behalf of the client for the purpose of making a firm offer of credit.

XII. "Direct solicitation" means the process by which the consumer reporting agency compiles or edits for a client a list of consumers who meet specific criteria and provides the list to the client or a third party on behalf of the client for use in soliciting those consumers for an offer of a product or service.

2 Use of Credit Reports; Reference Addition. Amend RSA 359-B:4, II to read as follows:

II.(a) A consumer reporting agency may furnish information for the purposes of a transaction under subparagraph I(c)(1) and (5) of this section when the transaction is not initiated by the consumer, only if:

(1) The consumer authorized the consumer reporting agency to furnish the information; or

(2) The transaction involves a firm offer of credit to the consumer or is a pre-screening or direct solicitation transaction; and

(A) The consumer reporting agency has complied with RSA 359-B:4-a;

(B) The consumer has not elected in accordance with RSA 359-B:4-a to have information about himself excluded from such transactions; and

(C) The agency only provides the name and address of the consumer.

(b) Notwithstanding subparagraph (a), a consumer reporting agency may, in the case of a credit transaction initiated by the consumer, use such information in reviewing or collecting an account of the consumer.

(c) An election of a consumer under RSA 359-B:4-a shall terminate and be of no

force or effect following notice from the consumer to the consumer reporting agency, through the system established pursuant to RSA 359-B:4-a, that the election is no longer effective.

[II.]III. Notwithstanding the provisions of [paragraph] *paragraphs I and II*, a consumer reporting agency may furnish an investigative consumer report to the consumer as provided in RSA 359-B:[9, III] 6.

3 New Section; Lists. Amend RSA 359-B by inserting after section 4 the following new section:

359-B:4-a Election to be Excluded From Certain Lists.

I. A consumer may elect to have information about such consumer excluded from any transaction under RSA 359-B:4, I(c)(1) and (5), including any list provided by a consumer reporting agency through pre-screening or direct solicitation transactions that are not initiated by the consumer, by notifying the consumer reporting agency by telephone or in writing.

II. An election of a consumer under paragraph I of this section shall be effective with respect to a consumer reporting agency and any affiliate of the agency within 5 business days after the agency is notified.

III. Each consumer reporting agency shall establish and maintain a notification system, including a toll-free telephone number, which permits any consumer, with appropriate identification and for whom the agency has a file, to notify the agency of the consumer's election under paragraph I. A consumer reporting agency that maintains consumer reports on a nationwide basis shall establish such a notification system on a nation-wide basis and may operate such a system jointly with any other consumer reporting agencies. Compliance with the requirements of this section by any consumer reporting agency shall constitute compliance by the agency's affiliates.

IV. Any person who uses a consumer report in connection with any transaction under RSA 359-B:4, I(c)(1) or (5) shall provide the consumer with the following statement displayed in a conspicuous and readable format and type:

If you wish to be removed from our and other marketing lists and not receive offers and information, please call 1-800-xxx-xxxx or write (insert address) and include your full name and address.

4 Investigative Consumer Reports. RSA 359-B:6 is repealed and reenacted to read as follows:

359-B:6 Disclosure of Investigative Consumer Reports.

I. A person may not procure or cause to be prepared an investigative consumer report on any consumer unless:

(a) It is clearly and accurately disclosed in writing to the consumer, prior to requesting the consumer reporting agency to prepare the report, that an investigative consumer report commonly includes information as to the consumer's character, general reputation, personal characteristics, and mode of living, and the disclosure includes the precise nature and scope of the investigation requested.

(b) The consumer provides the person requesting the report written permission to obtain the investigative consumer report prior to the person making such request to the consumer reporting agency.

(c) The consumer reporting agency provides the consumer a copy of the report upon its completion.

II. No person may be held liable for any violation of paragraph I if such person proves by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with paragraph I.

5 New Section; Providers of Information. Amend RSA 359-B by inserting after section 6 the following new section:

359-B:6-a Providers of Information.

I. Any person who regularly furnishes information to a consumer reporting agency shall follow reasonable procedures to insure that the information reported to a consumer reporting agency is accurate and complete. No person shall provide information to a consumer reporting agency which such person knows or has reasonable cause to believe is not accurate or complete.

II. A person who (a) in the ordinary course of business regularly and on a routine basis furnishes information to one or more consumer credit agencies about the person's own transactions or experiences with one or more consumers and (b) determines that information on a specific transaction or experience so provided to a consumer reporting agency is not complete or accurate, shall promptly notify the consumer reporting agency of that determination and provide to the consumer reporting agency any corrections to that information, or any additional information, which is necessary to make the information provided by the person to the consumer reporting agency complete and accurate.

III. If the completeness or accuracy of any information on a specific transaction or experience furnished by any person to a consumer reporting agency is subject to a continuing bona fide or nonfrivolous dispute between the affected consumer and that person, the person shall not furnish the information to any consumer reporting agency without also including a notice or designation that the information is disputed by the consumer.

IV. A person who regularly furnishes information to a consumer reporting agency regarding a consumer who has an open-end credit account with that person, and which is closed by the consumer, shall notify the consumer reporting agency of the closure of that account by the consumer, in information regularly furnished for the period in which the account is closed.

V. A person who places a delinquent account for collection (internally or by referral to a third party), charges the delinquent account to profit or loss, or takes similar action, and subsequently furnishes information to a consumer reporting agency regarding that action, shall include within the information furnished the approximate commencement date of the delinquency which gave rise to that action, unless that date was previously reported to the credit reporting agency. Nothing in this paragraph shall require that a delinquency must be reported to a consumer reporting agency.

VI. A person who furnishes information to a consumer reporting agency is liable for failure to comply with this section, unless the furnisher establishes by a preponderance of the evidence that, at the time of the failure to comply with this section, the furnisher maintained reasonable procedures to comply with those provisions.

VII. The requirements of this section shall apply only to information recorded by the consumer reporting agency after January 1, 1995.

6 Disclosures to Consumers. RSA 359-B:9 is repealed and reenacted to read as follows:
359-B:9 Disclosures to Consumers.

I. Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

(a) A written copy of the nature, contents and substance of all information, except medical information, in its file on the consumer at the time of the request, and which is obtainable based upon the identifying information supplied by the consumer when making such request, and, if such consumer has made a written request, deliver a written copy or photocopy of all such information except any code identifications which are used solely for purposes of transferring such information to and from credit reporting agencies. The names of the users corresponding to the code identifications shall be disclosed to the consumer, provided the agency shall provide a clear, simple, and plain meaning explanation of the information provided under this paragraph and such explanation shall be in readable format.

(b) The sources of all information obtained through routine credit reporting or through any other credit reporting techniques in the file at the time of the request.

(c) The recipients of any consumer report on the consumer which it has furnished for employment purposes within the 2-year period preceding the request, and for any other purpose, including RSA 359-B:4-a, within the 12-month period preceding the request.

II. A consumer reporting agency shall, in good faith, provide a consumer with a written statement of the consumer's rights under this chapter, as specified in RSA 359-B:15, in the following circumstances:

(a) Whenever a copy of a person's credit report is given to such person.

(b) Whenever a consumer requests a copy of the consumer's rights.

III. Every consumer reporting agency shall provide a toll-free telephone number and trained personnel to explain to the consumer any information furnished to him under this section.

7 Procedure in Case of Disputed Accuracy. RSA 359-B:11 is repealed and reenacted to read as follows:

359-B:11 Procedure in Case of Disputed Accuracy.

I. If the completeness or accuracy of any item of information contained in [his] *the consumer's* file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time, but not to exceed 30 days, beginning on the date the appropriate consumer assistance office receives notice of the dispute from the consumer, reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute is frivolous or irrelevant.

II. Within 10 business days after completion of a reinvestigation, the agency shall provide the consumer with written information, free of charge, which includes:

- (a) A statement that the reinvestigation is completed.
- (b) A consumer report that is based on the consumer's file as that file is revised as a result of the reinvestigation.
- (c) A description or indication of any changes made in the consumer report as a result of those revisions.

(d) Notice that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the consumer reporting agency, including the name, business address, and telephone number of any furnisher of information contacted in connection with that information.

(e) Notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information.

(f) Notice that the consumer has the right to request that the consumer credit reporting agency furnish notifications under paragraphs VI and VII of this section.

(g) Notice that the consumer has a right to obtain all information required to be disclosed under RSA 359-B:9.

III. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall within 10 business days change or delete such information.

IV. If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than 100 words if it provides the consumer with assistance in writing in clear summary of the dispute.

V. Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary of the consumer's statement.

VI. Following the filing of a statement of dispute pursuant to paragraph IV, the consumer may request that the consumer reporting agency furnish notification to any person specifically designated by the consumer, who has, within 2 years prior to the filing of the dispute, received a consumer report concerning the consumer for employment purposes, or who has, within 6 months of the filing of the dispute, received a consumer report for any other purposes, which contained the disputed information, that the item is disputed and forward to him a copy of the statement provided for in paragraphs IV and V.

VII. Following any change or deletion of information which is found not to be accurate, or the accuracy of which can no longer be verified, the consumer reporting agency, in good faith, shall, upon the request of the consumer, within 15 business days, furnish notification to any person designated by the consumer who has within 2 years prior to the change or deletion received a consumer report for employment purposes, or within 6 months prior to the change or deletion received a consumer report for any other purpose, which contained the change or deleted item, that the item has been changed or deleted.

VIII. If the reinvestigation is based on consumer-provided documentation obtained from the source of the item in dispute or from public records confirming that the report was inaccurate or incomplete, the consumer reporting agency shall review and consider such documentation within 15 days shall change its relevant records to reflect the results of its reinvestigation.

IX. No information shall be reinserted in a consumer's file after having been deleted pursuant to this section unless the person who furnishes the information verifies that the information is accurate. If any information so deleted from a consumer's file is reinserted in the file, the consumer reporting agency shall promptly notify the consumer of the reinsertion in writing or, if authorized by the consumer for that purpose, by any other means available to the consumer reporting agency. As part of, or in addition to, this notice the consumer reporting agency shall, within 5 business days of reinserting the information, provide the consumer in writing:

(a) A statement that the disputed information has been reinserted.

(b) A notice that the agency will provide to the consumer, within 15 days following a request, the name, address, and telephone number of any furnisher of information contacted or which contacted the consumer reporting agency in connection with the reinsertion.

(c) The toll-free telephone number of the consumer reporting agency which the consumer can use to obtain this name, address, and telephone number.

(d) A notice that the consumer has the right to add a statement to his file disputing the accuracy or completeness of the information.

8 Charges for Certain Disclosures. RSA 359-B:12 is repealed and reenacted to read as follows:

359-B:12 Charges for Certain Disclosures.

I. A credit reporting agency shall not impose a charge on a consumer for a disclosure pursuant to RSA 359-B:9 within 60 days of the consumer being denied credit, employment, insurance, or rental dwelling as a result of information contained in the consumer's credit report. The credit reporting agency may ask for documentation from the consumer of the denial.

II. Except as provided in RSA 359-B:11, VI and paragraph III of this section, a consumer reporting agency shall not charge a consumer for any disclosures or a copy of a consumer report requested pursuant to RSA 359-B:11.

III. Except as otherwise provided, the consumer reporting agency may impose a reasonable charge, not to exceed \$8, for making disclosure to a consumer pursuant to RSA 359-B:9, the charge of which shall be indicated to the consumer prior to making disclosure, and for furnishing notifications, statements, or summaries to a person designated by the consumer pursuant to RSA 359-B:11, VI, the charge for which shall be indicated to the consumer prior to furnishing such information and shall not exceed \$8.

IV. A consumer reporting agency shall furnish free of charge to any consumer who has provided verification of his identity and who meets other requirements as set out in RSA 359-B:10 of this chapter and who requests a copy of his consumer report, one complete consumer report per calendar year.

9 Information for Employment Purposes. Amend RSA 359-B:13 to read as follows:

359-B:13 Public Record Information for Employment Purposes.

I. A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall:

[I.](a) At the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

[II.](b) Maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

II. Notwithstanding paragraph I, a consumer reporting agency which furnishes a consumer report for employment purposes shall make an agreement with such user to the effect that no consumer report may be requested by the user until and unless the user has

provided written notice to the employee or prospective employee that a consumer report regarding the employee will be requested.

10 Requirements on Users of Consumer Reports. RSA 359-B:15, I is repealed and reenacted to read as follows:

I. Whenever credit or insurance for personal, family or household purposes, or employment involving a consumer is denied or terminated or the charge for such credit or insurance is increased either wholly or partly or whenever a consumer's line of credit is reduced because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall, within 10 business days of its decision to deny or terminate credit, or to reduce a consumer's line of credit, promptly notify such consumer in writing against whom such adverse action has been taken. The notice shall be in a clear and conspicuous format, and contain a name, address, and toll-free telephone number of any consumer reporting agency which provided any consumer report which was reviewed or otherwise taken into account in the making of the adverse action. The user of the consumer report shall provide a notice of the consumer's rights under this chapter, in a conspicuous and readable format and type in the following manner: "You have a right to obtain a copy of your credit file from a consumer credit reporting agency. You may be charged a reasonable fee not exceeding \$8. There is no fee, however, if you have been turned down for credit, employment, insurance, or rental dwelling within the preceding 60 days because of information in your credit report. The consumer credit reporting agency must provide someone to help you interpret the information in your credit file. Each calendar year you are entitled to receive, upon request, one free consumer report. You have a right to dispute inaccurate information by contacting the consumer credit reporting agency directly. However, neither you nor any credit repair company or credit service organization has the right to have accurate, current, and verifiable information removed from your credit report. In most cases, under state and federal law, the consumer credit reporting agency must remove accurate, negative information from your report only if it is over 7 years old, and must remove bankruptcy information only if it is over 10 years old. If you have notified a credit reporting agency in writing that you dispute the accuracy of information in our file, the consumer credit reporting agency must then, within 30 business days, reinvestigate and modify or remove inaccurate information. The consumer credit reporting agency may not charge a fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the consumer credit reporting agency. If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the consumer credit reporting agency to keep in your file, explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about the disputed information in a report it issues about you. You have a right to receive a record of all inquiries relating to a credit transaction initiated in the 6 months preceding your request, or one year in the case of a credit report used for employment purposes. This record shall include the recipients of any consumer credit report. You have the right to opt out of any lists compiled through pre-screening or for direct solicitation by or with the assistance of a consumer reporting agency by calling the agency's toll-free number or contacting the agency in writing. You may be entitled to collect compensation, in certain circumstances, if you are damaged by a person's negligent or intentional failure to comply with the provisions of the credit reporting act."

11 Persons Added. Amend the introductory paragraph of RSA 359-B:17 to read as follows: Any consumer reporting agency, *person who furnishes information to any consumer reporting agency*, or user of information which is negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of:

12 Effective Date. This act shall take effect January 1, 1995.

Adopted.

Report adopted and ordered to third reading.

HB 1453, allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments. OUGHT TO PASS

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill allows clinical social workers to obtain third-party payments for services rendered, which would otherwise qualify for such payments. Vote 13-3.

Reps. Beverly Gage and Braiterman yielded to questions.

Adopted and ordered to third reading.

HB 1564-FN, authorizing a resident of a municipality to participate in the municipality's health plan at that resident's own expense. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill requires municipalities to allow its residents to participate in the municipalities' health care group plan at the residents' own expense. This bill would cause an administrative nightmare, additional expense to the towns and could constitute an unfunded mandate. Vote 14-1.

Rep. Mark Holt moved that the words Refer for Interim Study be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Beverly Gage spoke against and yielded to questions.

Reps. St. Martin and Allen spoke in favor.

Reps. Robert Wheeler and Bonnie Packard spoke against.

Rep. Kirby spoke in favor and yielded to questions.

On a division vote, 115 members having voted in the affirmative and 220 in the negative, the motion failed.

Report adopted.

HB 1185, relative to the registration of pesticides. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marilyn R. Campbell for Environment and Agriculture: This bill requires that private pesticide applicators pay the same registration and examination fees as commercial applicators. Vote 16-1.

Amendment (5583B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fees charged for the registration of private
pesticide applicators.

Amend the bill by replacing all after the enacting clause with the following:

I Registration Certificates and Permits. Amend RSA 430:33, I and II to read as follows:

1. No person shall engage in the commercial application of pesticides or in the private application of restricted pesticides within this state without possessing a valid certificate of registration issued by the division. An annual fee of \$20 shall be collected by the division for each commercial *or private* applicator registration, except that no fee shall be collected from any nonprofit entity or from any governmental entity. The board shall by rule establish the criteria for eligibility for, and the limits on the use of, certificates of registration for commercial applicator, private applicator, and commercial applicator for hire. Each application for registration shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as the division may require. Every person applying for a registration certificate shall be required to demonstrate by examination, or by such other means as the board by rule may establish, his competency and ability to use pesticides in accordance with standards of the board. The division shall require from each applicant proof of financial responsibility in amounts to be determined under rules adopted by the board. Registered applicators shall maintain routine operational records pursuant to the rules of the board, which records shall be open to inspection at reasonable times by the division or its agents. Operational records for the preceding calendar year shall be submitted by an applicant for renewal of a certificate of registration. Upon submission of such records and satisfaction of such other conditions as the board may by rule impose, the division shall renew a certificate of registration.

II. No person, other than a commercial applicator, shall apply pesticides in this state without first obtaining a written permit from the division except as provided in RSA 430:46. *An annual fee of \$20 shall be collected by the division for each permit, except that no fee*

shall be collected from any nonprofit entity or from any governmental entity. The division shall require each applicant for a permit to demonstrate, by examination or other procedure prescribed by the board in rules, the applicant's competence and ability to use pesticides in accordance with standards of the board. Permit holders shall maintain routine operational records pursuant to rules of the board, which records shall be open to inspection at reasonable times by the division or its agents. Operational records for the preceding calendar year shall be submitted to the division by an applicant for renewal of a permit. Upon submission of such records and satisfaction of such other conditions as the board may by rule impose, the division shall renew a permit.

2 Application for Registration and Permits. Amend RSA 430:34, III to read as follows:

III. Each application for initial examination of a commercial *or private* applicator shall be accompanied by an examination fee of \$5 for each category *or commodity group* in which such examination is requested. When an applicator has been examined by the division and found not qualified, the applicant shall be re-examined at a subsequent date in accordance with rules adopted by the board, provided that each application for re-examination shall be accompanied by a re-examination fee of \$5 for each category *or commodity group* in which re-examination is requested. A separate application and re-examination fee shall be filed by the applicant each time a re-examination is requested. [Private applicators are exempt from this provision.]

3 Collection of Fees. Amend RSA 430:34, V to read as follows:

V. Fees collected from applicants for registration as commercial *or private* applicators under this subdivision constitute a special pesticides control fund which does not lapse but may be used at any time to carry out the provisions of this subdivision.

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires that private pesticide applicators pay the same registration and examination fees as commercial applicators.

Rep. Marilyn Campbell yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 1471-FN-L, relative to reinstating local control over hazardous or endangering practices of pesticide use. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Rebecca E. Lee for the Majority of Environment and Agriculture: HB 1471 would repeal the law that was enacted last session. The majority of the committee was concerned that the present law hasn't been in effect long enough to determine whether or not this law is working. Two other bills that have passed the committee this session would give the proper and influential impact on the pesticide control board from the public and local governmental units. Vote 12-6.

Reps. Betty B. Hall, Amanda A. Merrill, Gregory L. Hanselman, Derek Owen, George T. Musler and Robert A. Daigle for the Minority of Environment and Agriculture: All levels of government should participate in pesticide control. The minority believes that the State should not preempt the local level from enacting ordinances which are more stringent. Seven towns were exempted from the preemption in last year's legislation. We believe there is no rationale for denying the State's other towns from that option. Interim study would allow for further discussion of the relationship between local and State in the regulation of pesticides.

Rep. Betty Hall moved that the words Refer for Interim Study be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Lee spoke against.

Rep. Hanselman spoke in favor.

Rep. Scanlan spoke against and yielded to questions.

On a division vote, 97 members having voted in the affirmative and 254 in the negative, the motion failed.

Report adopted.

Rep. Gordon wished to be recorded in opposition.

HB 1583-FN, requiring that dairy products known to contain the genetically produced bovine somatotropin growth hormone be so labeled. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Environment and Agriculture: As amended, this bill states that the Legislature finds that food products sold in New Hampshire be labeled to provide the consumer with the most accurate information about the contents of the food product including those subject to genetic engineering. This amendment removes any requirement for labeling of milk or milk products from cows that have been injected with genetically engineered growth hormones. The amendment, however, creates a study committee that will examine the issues of genetic engineering and food labeling. Vote 11-7.

Rep. Jeb Bradley moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Newman spoke against.

Rep. Guay spoke in favor.

Rep. Coughlin spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 232 - NAYS 127

YEAS 232

BELKNAP

Bartlett, Gordon	Campbell, Richard, Jr.	Hauck, William	Hawkins, Robert
Johnson, Carl	Laflam, Robert	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph	Turner, Robert	Ziegra, Alice	

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Dickinson, Howard, Jr.	Lyman, L. Randy	Mock, Henry
Philbrick, Donald	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Burnham, Daniel	Champagne, Richard	Foster, Katherine	Hunt, John
Metzger, Katherine	Pearson, Gertrude	Perry, David	Pratt, Irene
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Smith, Edwin

COOS

Coulombe, Henry	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Wiswell, James	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Patricia	Cory, Elizabeth	Driscoll, William	Ham, Bonnie
Hill, Richard	LaMott, Paul	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Ahlgren, Madelyn	Ahrens, Frederick	Allen, W. Gordon	Amidon, Eleanor
Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.	Bagley, Amy
Borsa, Andrew	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Cowenhoven, Garret	Daigle, Robert	Daniels, Gary
Dodge, Emma	Donovan, Francis	Drolet, Paul	Durham, Susan
Dyer, Merton	Dykstra, Leona	Fenton, James	Ferguson, Charles
Franks, Suzan	Gagnon, Eugene	Gosselin, Gerald	Greenberg, Gary
Hall, Betty	Hanselman, Gregory	Healy, Daniel	Holden, Carol
Holley, Sylvia	Holt, Mark	Hunter, Bruce	Jasper, Shawn
Jean, Loren	Kelley, Dana	Kelley, Robert	Kurk, Neal
Lachut, Ervin	Laughlin, J. Francis	Lefebvre, Roland	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David

Morello, Michael
Peters, Stanley
Rheault, Lillian
Stewart, Thomas
Wheeler, Robert

Nardi, Theodora
Plourde, Alphonse
Rothhaus, Finlay
Sullens, Joan

Packard, Bonnie
Record, Alice
Searles, Stanley, Sr.
Tate, Joan

Paquette, Rodolphe
Reidy, Frank
Soucy, Richard
Turgeon, Roland

MERRIMACK

Barberia, Richard
Daneault, Gabriel
Hall, Douglas
Johnson, C. William
Lockwood, Robert
Regan, Maurice
Whalley, Michael

Braiterman, Thea
Dunn, Miriam
Hess, David
Kennedy, Richard
Nichols, Avis
Stapleton, Henry
Willis, Jack

Chandler, Earle
Gilbreth, Robert
Holmes, Mary
Kidder, William
Owen, Derek
Trombly, Rick
Yeaton, Charles

Chandler, John
Hager, Elizabeth
Houlahan, Thomas
Langer, Ray
Pfaff, Terence
Ward, Jay

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Case, Margaret
Clark, Vivian
Dowd, Sandra
Flanagan, Natalie
Hazelton, Robert
Johnson, Robert
Klemm, Arthur, Jr.
MacDonald, Maurice
Noyes, Richard
Pullman, Robert
Rubin, George
Stritch, C. Donald
Warburton, Calvin

Arndt, Janet
Boucher, William
Caswell, Albert, Jr.
Coes, Betsy
Dube, LeRoy
Gargiulo, Louis
Hemenway, Thomas
Katsakiores, George
Kruse, Fred
Malcolm, Kenneth
O'Keefe, Patricia
Putnam, Ed, II
Schanda, Joseph, Sr.
Sytek, Donna
Welch, David

Battles, Marjorie
Bove, Martin
Chester, Sherman
Conroy, Janet
Felch, Charles, Sr.
Gorman, Donald
Hurst, Sharleene
Katsakiores, Phyllis
Lee, Rebecca
McKinney, Betsy
Packard, Sherman
Raynowska, Bernard
Senter, Merilyn
Sytek, John
Weyler, Kenneth

Beaulieu, Jon
Campbell, Marilyn
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Fesh, Robert
Groves, Bonnie
Hutchinson, Karen
Klemarczyk, Thaddeus
Lovejoy, Marian
Moore, Benjamin
Pantelakos, Laura
Rosencrantz, James
Skinner, Patricia
Vaughn, Charles
Woods, Deborah

STRAFFORD

Brown, Julie
Knowles, William
Musler, George
Torr, Ann

Callaghan, Frank
Loder, Suzanne
Nehring, William
Torr, Franklin

Chagnon, Ronald
McKinley, Robert
Spear, Barbara
Wasson, Richard

Douglass, Clyde
Merrill, Amanda
Sullivan, Henry

SULLIVAN

Behrens, Thomas
Lindblade, Eric
Schotanus, Merle

Cloutier, John
Palmer, Lorraine

Flint, Gordon
Peyron, Fredrik

Holl, Ann
Rodeschin, Beverly

NAYS 127

BELKNAP

Cain, Thomas
Salatiello, Thomas

Dewhirst, Glenn
Smith, Linda

Golden, Paul
Young, Niel

Holbrook, Robert

CARROLL

Foster, Robert

CHESHIRE

Bonneau, Sarah
Lynch, Margaret
Riley, William

DePecol, Benjamin
McGuirk, Paul
Young, David

Delano, Robert
McNamara, Wanda

Kingsbury, H. Thayer
Richardson, Barbara

COOS

Bradley, Paula

Harwell, Tyler

Mayhew, Josephine

Mears, Edgar

GRAFTON

Copenhaver, Marion	Eaton, Stephanie	Gordon, Edward	Guest, Robert
McIlwaine, Deborah	Nordgren, Sharon	Rose, William	

HILLSBOROUGH

Ahern, Richard	Asselin, Robert	Bergeron, Lucien	Bergeron, Normand
Buckley, Raymond	Clemons, Jane	Cote, David	Crotty, Edward
Drabinowicz, A. Theresa	Dwyer, Patricia	Foster, Linda	Gage, Ruth
Gervais, Glen	Haettenschwiller, Alphonse	Hart, Nick	Holt, David
Johnson, Lionel	Kirby, Thomas	L'Heureux, Robert	Lessard, Rudy
Lown, Elizabeth	Lozeau, Donnalee	Martin, Mary Ellen	McCarty, Winston
Moncrief, Keith	Moore, Elizabeth	Morrisette, Roland	Murphy, Robert
O'Hearn, Jane	O'Rourke, Joanne	Pepino, Leo	Perkins, Paul
Philbrook, Paula	Riley, Frances	Sallada, Roland	Smart, John
Smith, Leonard	Soucy, Donna	Toomey, Kathryn	Upton, Barbara
Weergang, Alida	White, John	Wright, George	

MERRIMACK

Buessing, Marjorie	Coughlin, Anne	Feuerstein, Martin	Fillion, Paul
French, Barbara	Johnson, Joyce May	Mitchell, Vernon	Moore, Carol
Newland, Matthew	Rogers, Katherine	Shaw, Randall	Teague, Bert
Wallner, Mary Jane	Whittemore, James		

ROCKINGHAM

Bell, Juanita	Clark, Martha	DiPietro, Carmela	Dowling, Patricia
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Kane, Cecelia
McGovern, Cynthia	Newman, Rick	Pratt, Katharin	Ritzo, Eugene
Smith, Arthur	Splaine, James	St. Martin, Tommy	Stone, Joseph
Syracusa, Anthony	Williamson, William	Yennaco, Carol	

STRAFFORD

Brown, George	Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia
Hashem, Elaine	Hemon, Roland	Hilliard, Dana	Keans, Sandra
Lundborn, Raymond	McGrath, J. Gregory	Pageotte, Donald	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Snyder, Clair	Vincent, Francis
Wall, Janet	Wheeler, Katherine		

SULLIVAN

Allison, David	Burling, Peter	Domini, Irene	Kane, Joan
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and the motion was adopted.

The substituted report was adopted.

Rep. Manning wished to be recorded in favor.

HB 1412, prohibiting any person who is receiving retirement benefits from serving as a member of the New Hampshire retirement system board of trustees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Merton S. Dyer for the Majority of Executive Departments and Administration: This bill deals with the Board of Trustees of the New Hampshire Retirement System and would prevent any person from continuing as trustee of the system on their retirement from active service. The committee amendment adds that a person shall not continue to serve as a trustee of the New Hampshire Retirement System if the trustee or spouse of trustee receives retirement benefits from the New Hampshire Retirement System. Vote 12-2.

Rep. Cynthia A. McGovern for the Minority of Executive Departments and Administration: The sponsor of HB 1412 was never consulted about the amendment and does not agree with the changes.

Amendment (4973B)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting any person who is receiving, or whose spouse is receiving, retirement system benefits from serving as a member of the New Hampshire retirement system board of trustees.

Amend RSA 100-A:14, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Beginning on July 1, 1994, no person shall be appointed to serve as a trustee on the board who, at the time of the person's appointment, is receiving, or whose spouse is receiving, benefits under any provision of RSA 100-A or under any provisions of its predecessor systems. A person who is appointed to serve as a trustee on the board and who begins to receive, or whose spouse begins to receive, such benefits after his appointment shall immediately resign from the board. A member of the board of trustees who, on July 1, 1994, is receiving, or whose spouse is receiving, benefits under any provision of RSA 100-A or under any provisions of its predecessor systems, shall immediately resign from the board and shall not serve the remainder of the term to which the member was appointed.

AMENDED ANALYSIS

This bill provides that beginning on July 1, 1994, no person shall be appointed to serve as a trustee on the New Hampshire retirement system board of trustees who, at the time of the person's appointment, is receiving, or whose spouse is receiving, benefits under any provision of RSA 100-A or under any provisions of its predecessor systems. A member of the board of trustees who begins to receive such benefits, or whose spouse begins to receive such benefits, after his appointment shall resign from the board. A member of the board of trustees who, on July 1, 1994, is receiving, or whose spouse is receiving, such benefits, shall resign from the board and shall not serve the remainder of the term for which the member was appointed.

Rep. Richard Campbell spoke against.

Rep. Dyer spoke in favor and yielded to questions.

Adopted.

On a division vote, 213 members having voted in the affirmative and 110 in the negative, the amended report was adopted.

Ordered to third reading.

Reps. Musler and Christie declared a conflict of interest and did not participate.

HB 1541, establishing an executive branch ethics committee. REFER FOR INTERIM STUDY

Rep. Kathleen W. Ward for Executive Departments and Administration: The committee unanimously voted to request interim study for this very important subject. Now that the legislative branch has its ethics law in place, it is time to address the executive branch. Much consultation and solid bill drafting has to go into any proposal for an equal branch of government and we would like to opportunity to bring forth a fair and equitable bill. Vote 14-0.

Adopted.

HB 1329-L, authorizing municipalities to extend workers' compensation to volunteers performing municipal functions. OUGHT TO PASS WITH AMENDMENT

Rep. Amy L. Bagley for Labor, Industrial and Rehabilitative Services: This bill clarifies the definition of a public employee for purposes of workers' compensation law. The law excludes inmates of county correctional facilities and any volunteers not covered under RSA 281-A:2, VII(b) from receiving workers' compensation benefits. Vote 8-3.

Amendment (5568B)

Amend the title of the bill by replacing it with the following:

AN ACT

clarifying the definition of public employee for purposes of workers' compensation.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Clarified. Amend RSA 281-A:2, VII by inserting after subparagraph (e) the following unnumbered concluding paragraph:

"Employee", with respect to public employment shall not include any inmate of a county correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided or any volunteer not covered under RSA 281-A:2, VII(b) through (e), who performs services for which no significant remuneration is provided.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies the definition of a public employee for purposes of workers' compensation law.

Adopted.

Report adopted and ordered to third reading.

HB 1330, prohibiting an employer from requiring union membership as a condition of employment. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Jay C. Ward for the Majority of Labor, Industrial and Rehabilitative Services: HB 1330 is the same recycled bill this committee hears and votes inexpedient to legislate year after year. The majority of this committee is against government interference in restricting the rights of businesses to freely negotiate with their employees. The testimony given in support of this bill concerning intent and statistics was found to be misleading. Also there was overwhelming evidence and testimony presented against this intrusive legislation. Vote 9-6.

Reps. Barberia, Daniels, Carl Johnson, Arthur Smith, Wright and Niel Young for Labor, Industrial and Rehabilitative Services: This bill makes it illegal to require someone to pay dues, fees or any other charges of a union to get or keep a job. Allowing workers this freedom is the arrangement our own State Employees operate under. According to AREA DEVELOPMENT magazine, 71.4% of businesses consider a "Right to Work" law important or very important in deciding where to locate. Because of this competitive advantage, U.S. Labor Department statistics show "Right to Work" states have lower unemployment and greater job growth. Vote 6-9.

Rep. Carl Johnson moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

(Rep. Scanlan in the Chair)

Reps. Gilbreth, Turner and Hawkins spoke against and yielded to questions.

Reps. Thomas Arnold and Daniels spoke in favor and yielded to questions.

Rep. Niel Young spoke in favor.

Reps. Bonnie Packard, Reidy and Trombly spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 106 - NAYS 247

YEAS 106

BELKNAP

Campbell, Richard, Jr.
Lafiam, Robert
Young, Niel

Dewhirst, Glenn
Lawton, David

Golden, Paul
Rice, Thomas, Jr.

Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Saunders, Howard

Cogswell, Richard
Wiggin, Gordon

Lyman, L. Randy

Mock, Henry

CHESHIRE

Delano, Robert
Smith, Edwin

Foster, Katherine

Hunt, John

Pearson, Gertrude

COOS

Merrill, Gerald

GRAFTONAdams, Carl
Ham, Bonnie
Ward, KathleenBean, Pamela
Rose, WilliamBrown, Patricia
Trelfa, RichardGordon, Edward
Wadsworth, Karen**HILLSBOROUGH**Andrews, Frederick
Burke, M. Virginia
Dodge, Emma
Holden, Carol
Kurk, Neal
Moore, Elizabeth
Rothhaus, Finlay
Tate, JoanArnold, Barbara
Calawa, Leon, Jr.
Drolet, Paul
Holley, Sylvia
Lachut, Ervin
O'Hearn, Jane
Sallada, Roland
Upton, BarbaraArnold, Thomas, Jr.
Cowenhoven, Garret
Durham, Susan
Holt, David
Mittelman, David
Paquette, Rodolphe
Searles, Stanley, Sr.
Weergang, AlidaBorsa, Andrew
Daniels, Gary
Fenton, James
Jean, Loren
Moncrief, Keith
Riley, Frances
Sullens, Joan**MERRIMACK**Barberia, Richard
Houlahan, Thomas
Nichols, AvisChandler, John
Kennedy, Richard
Stapleton, HenryFillion, Paul
Kidder, William
Whittemore, JamesHolmes, Mary
Langer, Ray
Willis, Jack**ROCKINGHAM**Aranda, M. Kathryn
Boucher, William
Dowd, Sandra
Hazelton, Robert
McKinney, Betsy
Ritzo, Eugene
Sytek, DonnaArndt, Janet
Campbell, Marilyn
Dube, LeRoy
Hemenway, Thomas
Noyes, Richard
Rubin, George
Sytek, JohnBeaulieu, Jon
Clark, Vivian
Flanagan, Natalie
Kruse, Fred
Pullman, Robert
Senter, Merilyn
Welch, DavidBlake, Daniel
Conroy, Janet
Gorman, Donald
Malcolm, Kenneth
Putnam, Ed, II
Smith, Arthur
Weyler, Kenneth**STRAFFORD**

Douglass, Clyde

Knowles, William

McKinley, Robert

Wasson, Richard

SULLIVAN

Domini, Irene

NAYS 247**BELKNAP**Bartlett, Gordon
Salatiello, ThomasHauck, William
Smith, LindaHawkins, Robert
Turner, RobertHolbrook, Robert
Ziegler, Alice**CARROLL**Beach, Mildred
Philbrick, Donald

Bradley, Jeb

Dickinson, Howard, Jr.

Foster, Robert

CHESHIREBonneau, Sarah
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Russell, RonaldBurnham, Daniel
Lynch, Margaret
Metzger, Katherine
Riley, William
Young, DavidChampagne, Richard
Manning, Joseph
Perry, David
Robertson, TimothyDePecol, Benjamin
McGuirk, Paul
Pratt, Irene
Royce, H. Charles**COOS**Bradley, Paula
Harwell, Tyler
Mears, EdgarBurns, Harold
Hawkinson, Marie
Pratt, LeightonCoulombe, Henry
Horton, Lynn
Wiswell, JamesGuay, Lawrence
Mayhew, Josephine

GRAFTON

Below, Clifton
Eaton, Stephanie
Nordgren, Sharon

Brown, Alson
Guest, Robert
Teschner, Douglass

Copenhaver, Marion
LaMott, Paul

Crory, Elizabeth
McIlwaine, Deborah

HILLSBOROUGH

Ahlgren, Madelyn
Bagley, Amy
Cepaitis, Elizabeth
Crotty, Edward
Dwyer, Patricia
Foster, Linda
Gervais, Glen
Hall, Betty
Holt, Mark
Kelley, Dana
Laughlin, J. Francis
Lown, Elizabeth
McRae, Karen
Morello, Michael
O'Rourke, Joanne
Peters, Stanley
Reidy, Frank
Soucy, Donna
Turgeon, Roland

Allen, W. Gordon
Bergeron, Lucien
Chabot, Robert
Daigle, Robert
Dyer, Merton
Franks, Suzan
Gosselin, Gerald
Hanselman, Gregory
Hunter, Bruce
Kelley, Robert
Leclerc, Charles
Lozeau, Donnalee
Mercer, Robert
Morrisette, Roland
Packard, Bonnie
Philbrook, Paula
Rheault, Lillian
Soucy, Richard
Wheeler, Robert

Amidon, Eleanor
Bergeron, Normand
Clemons, Jane
Donovan, Francis
Dykstra, Leona
Gage, Ruth
Greenberg, Gary
Hart, Nick
Jasper, Shawn
Kirby, Thomas
Lefebvre, Roland
Martin, Mary Ellen
Messier, Irene
Murphy, Robert
Pepino, Leo
Plourde, Alphonse
Smart, John
Stewart, Thomas
White, John

Asselin, Robert
Buckley, Raymond
Cote, David
Drabinowicz, A. Theresa
Ferguson, Charles
Gagnon, Eugene
Haettenschwiller, Alphonse
Healy, Daniel
Johnson, Lionel
L'Heureux, Robert
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Nardi, Theodora
Perkins, Paul
Record, Alice
Smith, Leonard
Toomey, Kathryn
Wright, George

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
Gilbreth, Robert
Johnson, C. William
Moore, Carol
Regan, Maurice
Trombly, Rick
Yeaton, Charles

Buessing, Marjorie
Dunn, Miriam
Hager, Elizabeth
Johnson, Joyce May
Newland, Matthew
Rogers, Katherine
Wallner, Mary Jane

Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Owen, Derek
Shaw, Randall
Ward, Jay

Coughlin, Anne
French, Barbara
Hess, David
Mitchell, Vernon
Pfaff, Terence
Teague, Bert
Whalley, Michael

ROCKINGHAM

Battles, Marjorie
Caswell, Albert, Jr.
Coes, Betsy
Drake, Herbert
Flanders, John, Sr.
Hutchinson, Karen
Katsakiores, Phyllis
Lovejoy, Marian
O'Keefe, Patricia
Raynowska, Bernard
Splaine, James
Syracusa, Anthony
Woods, Deborah

Bell, Juanita
Chester, Sherman
Crossman, Harold, Jr.
Felch, Charles, Sr.
Gage, Beverly
Johnson, Robert
Klemarczyk, Thaddeus
MacDonald, Maurice
Packard, Sherman
Rosencrantz, James
St. Martin, Tommy
Vaughn, Charles
Yennaco, Carol

Bove, Martin
Christie, Andrew, Jr.
DiPietro, Carmela
Fesh, Robert
Gargiulo, Louis
Kane, Cecelia
Klemm, Arthur, Jr.
McGovern, Cynthia
Pantelakos, Laura
Schanda, Joseph, Sr.
Stone, Joseph
Warburton, Calvin

Case, Margaret
Clark, Martha
Dowling, Patricia
Flanders, David
Hurst, Sharleene
Katsakiores, George
Lee, Rebecca
Newman, Rick
Pratt, Katharin
Skinner, Patricia
Stritch, C. Donald
Williamson, William

STRAFFORD

Brown, George
Dunlap, Patricia
Hemon, Roland
Lundborn, Raymond

Brown, Julie
Gilmore, Gary
Hilliard, Dana
McGrath, J. Gregory

Callaghan, Frank
Hambrick, Patricia
Keans, Sandra
Merrill, Amanda

Chagnon, Ronald
Hashem, Elaine
Loder, Suzanne
Nehring, William

Pageotte, Donald
Snyder, Clair
Torr, Franklin

Pelletier, Arthur
Spear, Barbara
Vincent, Francis

Pelletier, Marsha
Sullivan, Henry
Wall, Janet

Rogers, Rose Marie
Torr, Ann
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon
Palmer, Lorraine

Behrens, Thomas
Holl, Ann
Peyron, Fredrik

Burling, Peter
Kane, Joan
Rodeschin, Beverly

Cloutier, John
Lindblade, Eric
Schotanus, Merle

and the motion failed.

Report adopted.

Rep. Senter voted yea and intended to vote nay.

Rep. Musler declared a conflict of interest and did not participate.

HB 1342, prohibiting cable companies from requiring consumers to obtain converter boxes to receive cable television service. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gary R. Gilmore for the Majority of Science, Technology and Energy: The bill, as amended, prohibits a cable company from requiring a converter box without the agreement of the local franchising authority. The bill also allows for local franchising authorities to impose restrictions on scrambling when renewing franchise agreements. Vote 8-3.

Reps. Karen K. McRae, David B. Holt, Richard L. Cogswell for the Minority of Science, Technology and Energy: The minority of the committee feels that section 53c:3-h puts the State of New Hampshire, Office of the Attorney General in the position of defending the City of Laconia, letting the taxpayers of N.H. pay for a resolution of the Laconia cable subscribers' dispute with their cable operator. This section does not address changes in technology and will disallow consumer choice such as presented in HB 1393. The current state of the art changes in program delivery are evolving so rapidly that passage of this bill will not help consumers, municipalities or franchisees. Vote 4-7.

Amendment (5587B)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting cable companies from requiring consumers to obtain converter boxes to receive cable television service and allowing franchising authorities to impose certain conditions on the use of scrambling devices.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Consumer Choice. Amend RSA 53-C by inserting after section 3-g the following new section:

53-C:3-h Consumer Choice. Unless federal law requires a subscriber or other cable customer to obtain a cable converter box to receive cable television service, no company, without the approval of the local franchising authority, shall require any subscriber or any other cable customer to obtain a cable converter box to receive cable television service. Any person requesting pay per view service or premium services may be required to obtain a converter box.

2 Authority to Establish Fees and Impose Conditions. Amend RSA 53-C:4 to read as follows:

53-C:4 Authority to Establish Fees and Impose Conditions.

I. In conjunction with the rights granted in said franchises, any franchising authority may require reasonable fees payable to the municipality and may impose conditions not inconsistent with applicable Rules and Regulations of the Federal Communications Commission, as amended from time to time.

II. In connection with the initial grant or any renewal of any franchise agreement, or renegotiation of issues as allowed by an existing franchise agreement, franchising authorities may impose conditions and restrictions on the use of scrambling or encryption and digital transmission and the use of converter boxes or other forms or types of electronic interface designed to permit reception of a scrambled, encrypted, or digital cable television

signal, to the extent such conditions or restrictions are not inconsistent with federal law and the rules and regulations of the federal communications commission, as amended from time to time.

3 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill prohibits cable companies from requiring consumers to obtain converter boxes to receive cable television service and allows franchising authorities to impose certain conditions on the use of scrambling devices.

Adopted.

Reps. Rodeschin and Salatiello spoke in favor.

LAID ON THE TABLE

Rep. Rosen moved that **HB 1342**, prohibiting cable companies from requiring consumers to obtain converter boxes to receive cable television service and allowing franchising authorities to impose certain conditions on the use of scrambling devices, be laid upon the table.

Adopted.

REGULAR CALENDAR (Cont'd.)

HJR 22, urging Congress to pass the Federal Mandates Relief Act of 1993. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Perry for State-Federal Relations: This House Joint Resolution asks that the Congress fund all mandates they pass on to the state. New Hampshire is in a good moral position to ask for this, having passed 28A to the New Hampshire Constitution forbidding state mandates to the municipalities of our state. Vote 6-4.

Amendment (4541B)

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the state of New Hampshire urges the Congress of the United States to pass the Federal Mandates Relief Act of 1993 to provide for federal payments for federal mandates imposed upon state and local governments; and

Adopted.

Rep. Beverly Gage yielded to questions.

Rep. John Chandler spoke in favor.

Rep. Trombly spoke against.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 257 NAYS 80

YEAS 257

BELKNAP

Bartlett, Gordon
Hauck, William
Laffam, Robert
Salatiello, Thomas

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Smith, Linda

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Ziegler, Alice

Golden, Paul
Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Wiggin, Gordon

Bradley, Jeb
Foster, Robert

Chandler, Gene
Lyman, L. Randy

CHESHIRE

Delano, Robert
McNamara, Wanda
Royce, H. Charles

Hunt, John
Metzger, Katherine
Smith, Edwin

Kingsbury, H. Thayer
Pearson, Gertrude
Young, David

Manning, Joseph
Perry, David

COOS

Coulombe, Henry
Mears, Edgar

Guay, Lawrence
Merrill, Gerald

Harwell, Tyler
Pratt, Leighton

Horton, Lynn

GRAFTON

Adams, Carl
Crory, Elizabeth
McIlwaine, Deborah
Trelfa, Richard

Bean, Pamela
Eaton, Stephanie
Nordgren, Sharon
Wadsworth, Karen

Brown, Alson
Gordon, Edward
Rose, William
Ward, Kathleen

Brown, Patricia
Ham, Bonnie
Teschner, Douglass

HILLSBOROUGH

Ahlgren, Madelyn
Arnold, Barbara
Bergeron, Lucien
Calawa, Leon, Jr.
Cote, David
Dodge, Emma
Dwyer, Patricia
Ferguson, Charles
Greenberg, Gary
Holden, Carol
Jasper, Shawn
Lachut, Ervin
McCarty, Winston
Milligan, Robert
Morello, Michael
Pepino, Leo
Rheault, Lillian
Searles, Stanley, Sr.
Sullens, Joan
Weergang, Alida

Allen, W. Gordon
Arnold, Thomas, Jr.
Borsa, Andrew
Cepaitis, Elizabeth
Cowenhoven, Garret
Drabinowicz, A. Theresa
Dyer, Merton
Foster, Linda
Hall, Betty
Holley, Sylvia
Jean, Loren
Leclerc, Charles
McRae, Karen
Mittelman, David
O'Hearn, Jane
Peters, Stanley
Riley, Frances
Smith, Leonard
Tate, Joan
Wheeler, Robert

Amidon, Eleanor
Asselin, Robert
Buckley, Raymond
Chabot, Robert
Daigle, Robert
Drolet, Paul
Dykstra, Leona
Franks, Suzan
Hanselman, Gregory
Holt, David
Kelley, Dana
Lown, Elizabeth
Mercer, Robert
Moncrief, Keith
O'Rourke, Joanne
Philbrook, Paula
Rothhaus, Finlay
Soucy, Donna
Toomey, Kathryn
Wright, George

Andrews, Frederick
Bagley, Amy
Burke, M. Virginia
Clemons, Jane
Daniels, Gary
Durham, Susan
Fenton, James
Gagnon, Eugene
Healy, Daniel
Hunter, Bruce
L'Heureux, Robert
Lozeau, DonnaLee
Messier, Irene
Moore, Elizabeth
Packard, Bonnie
Reidy, Frank
Sallada, Roland
Stewart, Thomas
Upton, Barbara

MERRIMACK

Barberia, Richard
Chandler, John
Hager, Elizabeth
Johnson, C. William
Langer, Ray
Owen, Derek
Trombly, Rick
Whittemore, James

Braiterman, Thea
Coughlin, Anne
Hess, David
Johnson, Joyce May
Lockwood, Robert
Pfaff, Terence
Wallner, Mary Jane
Willis, Jack

Buessing, Marjorie
Daneault, Gabriel
Holmes, Mary
Kennedy, Richard
Newland, Matthew
Shaw, Randall
Ward, Jay

Chandler, Earle
Gilbreth, Robert
Houlahan, Thomas
Kidder, William
Nichols, Avis
Stapleton, Henry
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Case, Margaret
Clark, Vivian
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Katsakiores, George
Lee, Rebecca
McGovern, Cynthia
Pratt, Katharin
Ritzo, Eugene

Arndt, Janet
Boucher, William
Caswell, Albert, Jr.
Coes, Betsy
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Hurst, Sharleene
Katsakiores, Phyllis
Lovejoy, Marian
McKinney, Betsy
Pullman, Robert
Rosencrantz, James

Battles, Marjorie
Bove, Martin
Chester, Sherman
Conroy, Janet
Dowling, Patricia
Flanagan, Natalie
Gargiulo, Louis
Hutchinson, Karen
Klemarczyk, Thaddeus
MacDonald, Maurice
Newman, Rick
Putnam, Ed, II
Rubin, George

Beaulieu, Jon
Campbell, Marilyn
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Drake, Herbert
Flanders, David
Hazelton, Robert
Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Schanda, Joseph, Sr.

Senter, Marilyn
 Stritch, C. Donald
 Warburton, Calvin
 Woods, Deborah

Skinner, Patricia
 Sytek, Donna
 Welch, David
 Yennaco, Carol

Smith, Arthur
 Sytek, John
 Weyler, Kenneth

Stone, Joseph
 Vaughn, Charles
 Williamson, William

STRAFFORD

Brown, George
 Hambrick, Patricia
 Nehring, William
 Torr, Franklin

Brown, Julie
 Loder, Suzanne
 Spear, Barbara
 Vincent, Francis

Douglass, Clyde
 McGrath, J. Gregory
 Sullivan, Henry
 Wasson, Richard

Dunlap, Patricia
 McKinley, Robert
 Torr, Ann

SULLIVAN

Behrens, Thomas
 Holl, Ann
 Schotanus, Merle

Burling, Peter
 Lindblade, Eric

Domini, Irene
 Peyron, Fredrik

Flint, Gordon
 Rodeschin, Beverly

NAYS 80

BELKNAP

Turner, Robert

CARROLL

Saunders, Howard

CHESHIRE

Bonneau, Sarah
 Foster, Katherine
 Richardson, Barbara

Burnham, Daniel
 Lynch, Margaret
 Riley, William

Champagne, Richard
 McGuirk, Paul
 Robertson, Timothy

DePecol, Benjamin
 Pratt, Irene
 Russell, Ronald

COOS

Bradley, Paula

Hawkinson, Marie

Mayhew, Josephine

Wiswell, James

GRAFTON

Below, Clifton

Copenhaver, Marion

Guest, Robert

HILLSBOROUGH

Ahern, Richard
 Gervais, Glen
 Johnson, Lionel
 Lessard, Rudy
 Perkins, Paul
 Turgeon, Roland

Bergeron, Normand
 Gosselin, Gerald
 Kirby, Thomas
 Martin, Mary Ellen
 Plourde, Alphonse
 White, John

Crotty, Edward
 Haettenschwiller, Alphonse
 Laughlin, J. Francis
 Morrisette, Roland
 Smart, John

Gage, Ruth
 Hart, Nick
 Lefebvre, Roland
 Murphy, Robert
 Soucy, Richard

MERRIMACK

Dunn, Miriam
 Hall, Douglas
 Rogers, Katherine

Feuerstein, Martin
 Mitchell, Vernon
 Teague, Bert

Fillion, Paul
 Moore, Carol
 Yeaton, Charles

French, Barbara
 Regan, Maurice

ROCKINGHAM

Bell, Juanita
 O'Keefe, Patricia

Clark, Martha
 St. Martin, Tommy

Kane, Cecelia
 Syracuse, Anthony

Kruse, Fred

STRAFFORD

Chagnon, Ronald
 Hilliard, Dana
 Merrill, Amanda
 Snyder, Clair

Gilmore, Gary
 Keans, Sandra
 Pelletier, Arthur
 Wall, Janet

Hashem, Elaine
 Knowles, William
 Pelletier, Marsha
 Wheeler, Katherine

Hemon, Roland
 Lundborn, Raymond
 Rogers, Rose Marie

SULLIVAN

Allison, David

Cloutier, John

Kane, Joan

Palmer, Lorraine

and the report was adopted.

HB 1223, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy N. Robertson for the Majority of Transportation: The Committee feels this bill would prevent death and serious injuries to minors consistent with other laws protecting minors. Vote 8-6.

Reps. Sherman A. Packard, Frank D. Callaghan, Edward J. Crotty, Emma M. Dodge, Roland M. Turgeon, Gordon E. Bartlett, Maurice B. MacDonald for the Minority of Transportation: The Minority strongly opposes the raising of the age of mandatory seat belt usage to 18 years of age. This is another area that should be left up to proper education by parents, schools and safety officials. We, as elected officials, should not continue down that path of trying to regulate and mandate every issue of life. We should continue to allow the citizens of the state of New Hampshire the freedom to exercise their good common sense and judgment on issues of this nature.

Rep. Dodge moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Reps. Cloutier, Robertson and Regan spoke against and yielded to questions.

Reps. MacDonald and Sherman Packard spoke in favor.

Rep. Klemarczyk spoke against.

Roll call sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 182 - NAYS 150

YEAS 182

BELKNAP

Bartlett, Gordon	Campbell, Richard, Jr.	Dewhirst, Glenn	Golden, Paul
Holbrook, Robert	Johnson, Carl	Lawton, David	Rice, Thomas, Jr.
Salatiello, Thomas	Smith, Linda	Turner, Robert	

CARROLL

Allard, Nanci	Chandler, Gene	Cogswell, Richard	Dickinson, Howard, Jr.
Lyman, L. Randy	Philbrick, Donald	Saunders, Howard	Wiggin, Gordon

CHESHIRE

Delano, Robert	Hunt, John	McNamara, Wanda	Royce, H. Charles
Smith, Edwin	Young, David		

COOS

Coulombe, Henry	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Eaton, Stephanie	Gordon, Edward	Ham, Bonnie	LaMott, Paul
McIlwaine, Deborah	Teschner, Douglass	Trelfa, Richard	Ward, Kathleen

HILLSBOROUGH

Ahlgren, Madelyn	Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.
Asselin, Robert	Bagley, Amy	Bergeron, Lucien	Borsa, Andrew
Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Clemons, Jane	Cowenhoven, Garret	Crotty, Edward
Daniels, Gary	Dodge, Emma	Drabinowicz, A. Theresa	Drolet, Paul
Dyer, Merton	Dykstra, Leona	Fenton, James	Ferguson, Charles
Franks, Suzan	Gage, Ruth	Gagnon, Eugene	Gosselin, Gerald
Greenberg, Gary	Holley, Sylvia	Holt, David	Hunter, Bruce
Jasper, Shawn	Jean, Loren	Johnson, Lionel	Kelley, Dana
L'Heureux, Robert	Lachut, Ervin	Laughlin, J. Francis	Leclerc, Charles
Lefebvre, Roland	Lozeau, Donnalee	McRae, Karen	Milligan, Robert
Mittelman, David	Moncrief, Keith	Morrisette, Roland	Packard, Bonnie

Pepino, Leo
Riley, Frances
Smart, John
Turgeon, Roland
Wright, George

Perkins, Paul
Rothhaus, Finlay
Soucy, Richard
Upton, Barbara

Philbrook, Paula
Sallada, Roland
Tate, Joan
Weergang, Alida

Rheault, Lillian
Searles, Stanley, Sr.
Toomey, Kathryn
Wheeler, Robert

MERRIMACK

Barberia, Richard
Kennedy, Richard
Mitchell, Vernon
Shaw, Randall
Willis, Jack

Chandler, Earle
Kidder, William
Newland, Matthew
Stapleton, Henry

Daneault, Gabriel
Langer, Ray
Nichols, Avis
Teague, Bert

Feuerstein, Martin
Lockwood, Robert
Pfaff, Terence
Whitemore, James

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Christie, Andrew, Jr.
Dowd, Sandra
Flanagan, Natalie
Gorman, Donald
Johnson, Robert
Malcolm, Kenneth
Pratt, Katharin
Rubin, George
Stritch, C. Donald
Welch, David

Arndt, Janet
Boucher, William
Clark, Vivian
Drake, Herbert
Flanders, David
Hazelton, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pullman, Robert
Skinner, Patricia
Sytek, Donna
Weyler, Kenneth

Battles, Marjorie
Bove, Martin
Conroy, Janet
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Lee, Rebecca
Noyes, Richard
Putnam, Ed, II
Smith, Arthur
Sytek, John
Williamson, William

Beaulieu, Jon
Caswell, Albert, Jr.
DiPietro, Carmela
Fesh, Robert
Gage, Beverly
Hutchinson, Karen
MacDonald, Maurice
Packard, Sherman
Rosencrantz, James
Stone, Joseph
Warburton, Calvin
Woods, Deborah

STRAFFORD

Brown, Julie
Hilliard, Dana
Torr, Franklin

Chagnon, Ronald
Spear, Barbara
Vincent, Francis

Douglass, Clyde
Sullivan, Henry
Wasson, Richard

Hemon, Roland
Torr, Ann

SULLIVAN

Domini, Irene

Rodeschin, Beverly

Schotanus, Merle

NAYS 150

BELKNAP

Hauck, William
Ziegler, Alice

Hawkins, Robert

Laflam, Robert

Rosen, Ralph

CARROLL

Beach, Mildred

Bradley, Jeb

Foster, Robert

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Metzger, Katherine
Richardson, Barbara

Burnham, Daniel
Lynch, Margaret
Pearson, Gertrude
Robertson, Timothy

DePecol, Benjamin
Manning, Joseph
Perry, David
Russell, Ronald

Foster, Katherine
McGuirk, Paul
Pratt, Irene

COOS

Bradley, Paula
Mayhew, Josephine

Burns, Harold
Mears, Edgar

Harwell, Tyler
Wiswell, James

Hawkinson, Marie

GRAFTON

Bean, Pamela
Copenhaver, Marion
Rose, William

Below, Clifton
Cory, Elizabeth
Wadsworth, Karen

Brown, Alson
Guest, Robert

Brown, Patricia
Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor	Bergeron, Normand
Cote, David	Daigle, Robert	Durham, Susan	Dwyer, Patricia
Foster, Linda	Gervais, Glen	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Healy, Daniel	Holden, Carol	Holt, Mark
Kirby, Thomas	Lessard, Rudy	Lown, Elizabeth	Martin, Mary Ellen
McCarty, Winston	Mercer, Robert	Messier, Irene	Moore, Elizabeth
Morello, Michael	Murphy, Robert	O'Hearn, Jane	O'Rourke, Joanne
Peters, Stanley	Plourde, Alphonse	Reidy, Frank	Smith, Leonard
Soucy, Donna	Stewart, Thomas	Sullens, Joan	White, John

MERRIMACK

Braiterman, Thea	Chandler, John	Coughlin, Anne	Dunn, Miriam
Fillion, Paul	French, Barbara	Gilbreth, Robert	Hager, Elizabeth
Hess, David	Holmes, Mary	Houlahan, Thomas	Johnson, C. William
Johnson, Joyce May	Regan, Maurice	Rogers, Katherine	Trombly, Rick
Wallner, Mary Jane	Ward, Jay	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Bell, Juanita	Case, Margaret	Chester, Sherman	Clark, Martha
Coes, Betsy	Dowling, Patricia	Gargiulo, Louis	Hurst, Sharleene
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Klemarczyk, Thaddeus
Kruse, Fred	Lovejoy, Marian	McGovern, Cynthia	Newman, Rick
O'Keefe, Patricia	Raynowska, Bernard	Ritzo, Eugene	Schanda, Joseph, Sr.
Senter, Merilyn	St. Martin, Tommy	Syracusa, Anthony	Yennaco, Carol

STRAFFORD

Brown, George	Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia
Hashem, Elaine	Keans, Sandra	Knowles, William	Loder, Suzanne
Lundborn, Raymond	McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda
Nehring, William	Pageotte, Donald	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Snyder, Clair	Wall, Janet	Wheeler, Katherine

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Kane, Joan	Lindblade, Eric
Palmer, Lorraine	Peyron, Fredrik		

and the motion was adopted.

Substituted report adopted.

(Speaker Burns in the Chair)**SPECIAL ORDERS**

Without objection, the Speaker made all remaining bills Special Orders for Thursday, March 17.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 17, 1994 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 1319-FN-A-L, requiring the state to fully fund the Augenblick formula by FY 1996.

HB 1458-FN-L, to provide incentive through school building aid for establishing and maintaining public kindergarten programs.

HB 1320, regulating commerce pertaining to consumer transactions involving credit reporting agencies.

HB 1453, allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments.

HB 1185, relative to fees charged for the registration of private pesticide applicators.

HB 1412, prohibiting any person who is receiving, or whose spouse is receiving, retirement system benefits from serving as a member of the New Hampshire retirement system board of trustees.

HB 1329-L, clarifying the definition of public employee for purposes of workers' compensation.

HJR 22, urging Congress to pass the Federal Mandates Relief Act of 1993.

RECONSIDERATION

Having voted with the prevailing side, Reps. Teague, Douglas Hall and Larson moved that the House reconsider its action whereby it passed **HB 1319-FN-A-L**, requiring the state to fully fund the Augenblick formula by FY 1996.

Reconsideration lost.

RECONSIDERATION

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it adopted the substituted Committee Report of Inexpedient to Legislate on **HB 1223**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age.

Reconsideration lost.

Rep. Ann Torrr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:40 p.m.

RECESS

Rep. Jasper moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 13

Thursday, March 17, 1994

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, St. Andrew's Episcopal Church in Hopkinton.

O God, we give You thanks for our beloved state of New Hampshire on this bright St. Patrick's day. Today, though we come from many and various backgrounds, we all have a touch of the blarney to lighten our hearts.

We give thanks to St. Patrick and especially for his ability to drive out all the snakes in Ireland. We are sorry, however, that his ministry ended before he could reach the New Hampshire State Senate.

Whether our work today be in education or tax reform, health care or concern for those who need our help, drive far from us the snakes of division and mistrust, and enable us to do Your will for all Your people. Amen.

Rep. Wasson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Cole, O'Brien, Vanderlosk, Sargent, DePecol and Fields, the day, illness.

Reps. Ahrens, Langer, Musler, William Riley, Merritt, Paul White, Avery, Richards, Claudette Jean, Mercer, Crum, Lundborn, Gargiulo, MacDonald and Dwyer, the day, important business.

Reps. Buessing and O'Rourke, the day, illness in the family.

INTRODUCTION OF GUESTS

Jean Audit, guest of Rep. McCarty. Donald and James Holl, husband and son of Rep. Holl. Former Representative, Robert Holmes, guest of the Carroll County Delegation.

GUEST ON THE ROSTRUM

Harold J. Brubaker, National Chairman of the American Legislative Exchange Council, guest of the Speaker.

SPECIAL ORDERS

HB 1382, creating a special committee to study the turnpike toll collection system and make recommendations. **INEXPEDIENT TO LEGISLATE**

Rep. Marie C. Hawkinson for Appropriations: This bill is unnecessary since the Commissioner of Transportation shall, by Chapter 237:9 establish toll rates, and through chapter 237:11 establish the criteria. Vote 18-1.

Rep. Franklin Torr moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Schotanus and Gene Chandler spoke in favor.

Adopted.

Rep. Schotanus offered a floor amendment.

Floor Amendment (5636B)

Amend the title of the bill by replacing it with the following:

AN ACT

creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund.

Amend paragraph I(a) of section 2 of the bill by replacing it with the following:

(a) Select a qualified consultant, upon approval by the governor and council, to perform a study of the toll collection system. The department of transportation shall provide technical and clerical support.

Amend the bill by replacing section 3 with the following:

3 Supplemental Appropriation. The sum of \$150,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1995, for the purpose of the turnpike toll collection system study. The appropriation shall be in addition to any other appropriations to the department of transportation and shall be a charge against the turnpike fund.

Adopted.

Ordered to third reading.

HB 1561, allowing a choice of the motto on New Hampshire license plates. REFER FOR INTERIM STUDY

Rep. William H. Crum, Jr. for Transportation: The Transportation Committee has established a subcommittee to study all issues relating to license plates. It is the majority opinion that this bill be referred to this subcommittee for further study. Vote 12-1.

Rep. Regan spoke in favor.

Adopted.

HB 1260-FN-L, repealing the authority to use local property tax revenue to fund education and creating a committee to study the financing of public education. OUGHT TO PASS WITH AMENDMENT

Rep. Douglass P. Teschner for Ways and Means: The original bill had two components: (1) repeal of the local property tax to fund education and (2) a high-level study committee to address education funding. The majority of the committee, including some critics of the present school financing system, was uncomfortable with the first component. The concept of the second component was, however, widely supported. The committee amendment creates a task force (similar to that in the original bill) which is charged to consider (1) the adequacy, equity, and efficiency of the present educational funding system; (2) alternative financing mechanisms; (3) the relationship between the state, School Administrative Units (SAUs), and local school districts relative to educational control and funding; and, (4) potential funding mechanisms for public kindergarten. Vote 17-2.

Amendment (5501B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a task force to study public education funding issues.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that it is in the public interest that the legislature and governor address the issues of the adequacy, equity, and efficiency of the present funding system for public education.

2 Task Force Created. A task force is hereby formed to consider the following issues:

I. Adequacy, equity, and efficiency of the present funding system.

II. Alternative funding mechanisms, such as, but not limited to, sales taxes, income taxes, statewide property taxes, and the advantages and disadvantages of such taxes.

III. The relationship between the state, school administrative units, and local school districts, relative to control and funding of education.

IV. Potential funding mechanisms for public kindergarten.

3 Composition of Task Force. There is established a task force to study public education funding issues. The task force shall consist of the following members:

I. The governor or designee.

II. The speaker of the house of representatives or designee.

III. The president of the senate or designee.

IV. The majority leader of the house.

V. The minority leader of the house.

VI. The majority leader of the senate.

VII. The minority leader of the senate.

VIII. The chairpersons of the appropriations, ways and means, and education committees of the house.

IX. The chairpersons of the finance executive, ways and means, and education committees of the senate.

X. The attorney general.

XI. The chairperson of the state board of education.

4 Meetings; Report. The chairperson of the ways and means committee of the house shall call the first meeting of the task force. At that meeting the task force shall elect a chairperson. The task force shall make a report of its findings, including recommendations for legislation, to the governor, speaker of the house and the senate president on or before November 1, 1994.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a task force to study public education funding issues.

Rep. Douglas Hall spoke against.

Rep. Teschner spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the amendment.

YEAS 219 - NAYS 111

YEAS 219

BELKNAP

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Golden, Paul
Hauck, William	Holbrook, Robert	Johnson, Carl	Lawton, David
Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas	Smith, Linda
Turner, Robert	Ziegler, Alice		

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Mock, Henry
Philbrick, Donald	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Delano, Robert	Hunt, John	McNamara, Wanda	Metzger, Katherine
Pearson, Gertrude	Perry, David	Royce, H. Charles	Smith, Edwin
Young, David			

COOS

Coulombe, Henry	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Bean, Pamela	Brown, Alson	Chase, Paul, Jr.	Driscoll, William
Eaton, Stephanie	Gordon, Edward	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	Nordgren, Sharon	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.
Asselin, Robert	Bagley, Amy	Burke, M. Virginia	Calawa, Leon, Jr.
Chabot, Robert	Clemons, Jane	Cote, David	Cowenhoven, Garret
Crotty, Edward	Daniels, Gary	Dodge, Emma	Durham, Susan
Dyer, Merton	Dykstra, Leona	Fenton, James	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Greenberg, Gary	Hanselman, Gregory
Healy, Daniel	Holden, Carol	Holley, Sylvia	Holt, David
Hunter, Bruce	Jasper, Shawn	Jean, Loren	Kelley, Dana
Kelley, Robert	Kurk, Neal	L'Heureux, Robert	Lachut, Ervin
Low, Elizabeth	Lozeau, Donnalee	McRae, Karen	Milligan, Robert
Mittelman, David	Moncrief, Keith	Moore, Elizabeth	Morello, Michael

O'Hearn, Jane
Riley, Frances
Sullens, Joan
Weergang, Alida

Packard, Bonnie
Rodgers, G. Philip
Tate, Joan
Wells, Peter, Sr.

Pepino, Leo
Searles, Stanley, Sr.
Turgeon, Roland
Wheeler, Robert

Rheault, Lillian
Soucy, Donna
Upton, Barbara
Wright, George

MERRIMACK

Barberia, Richard
Hager, Elizabeth
Johnson, C. William
Lockwood, Robert
Shaw, Randall
Whittemore, James

Braiterman, Thea
Hess, David
Johnson, Joyce May
Mitchell, Vernon
Stapleton, Henry
Willis, Jack

Chandler, Earle
Holmes, Mary
Kennedy, Richard
Nichols, Avis
Trombly, Rick

Daneault, Gabriel
Houlahan, Thomas
Kidder, William
Pfaff, Terence
Whalley, Michael

ROCKINGHAM

Arndt, Janet
Campbell, Marilyn
Coes, Betsy
Crossman, Harold, Jr.
Drake, Herbert
Flanders, David
Hazelton, Robert
Katsakiores, George
Kruise, Fred
McGovern, Cynthia
Newman, Rick
Raynowska, Bernard
Senter, Merilyn
Stritch, C. Donald
Weyler, Kenneth

Battles, Marjorie
Case, Margaret
Conroy, Janet
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
McKinney, Betsy
Packard, Sherman
Ritzo, Eugene
Skinner, Patricia
Sytek, Donna
Williamson, William

Beaulieu, Jon
Chester, Sherman
Cote, Charles
Dowd, Sandra
Felch, Charles, Sr.
Gage, Beverly
Hutchinson, Karen
Klemarczyk, Thaddeus
Lovejoy, Marian
Miller, Don
Pratt, Katharin
Rosencrantz, James
Smith, Arthur
Sytek, John
Woods, Deborah

Boucher, William
Clark, Vivian
Cote, Patricia
Dowling, Patricia
Fesh, Robert
Groves, Bonnie
Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Moore, Benjamin
Pullman, Robert
Rubin, George
Stone, Joseph
Welch, David
Yennaco, Carol

STRAFFORD

Douglass, Clyde
McKinley, Robert
Spear, Barbara
Torr, Ralph

Dunlap, Patricia
Merrill, Amanda
Sullivan, Henry
Vincent, Francis

Hilliard, Dana
Nehring, William
Torr, Ann
Wasson, Richard

McCann, William, Jr.
Pageotte, Donald
Torr, Franklin

SULLIVAN

Behrens, Thomas
Lindblade, Eric

Burling, Peter
Peyron, Fredrik

Domini, Irene
Rodeschin, Beverly

Flint, Gordon
Schotanus, Merle

NAYS 111

BELKNAP

Laflam, Robert

None

CARROLL

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Pratt, Irene

Burnham, Daniel
Lynch, Margaret
Richardson, Barbara

Champagne, Richard
Manning, Joseph
Robertson, Timothy

Foster, Katherine
McGuirk, Paul
Russell, Ronald

COOS

Bradley, Paula
Mears, Edgar

Foss, Frederic

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Adams, Carl
Guest, Robert

Below, Clifton
Ham, Bonnie

Copenhaver, Marion
McIlwaine, Deborah

Crory, Elizabeth
Rose, William

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Bergeron, Lucien	Bergeron, Normand
Borsa, Andrew	Buckley, Raymond	Daigle, Robert	Drabinowicz, A. Theresa
Ferguson, Charles	Gage, Ruth	Gervais, Glen	Gosselin, Gerald
Haettenschwiller, Alphonse	Hall, Betty	Hart, Nick	Johnson, Lionel
Kirby, Thomas	Lessard, Rudy	Martin, Mary Ellen	McCarty, Winston
Messier, Irene	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
Paquette, Rodolphe	Perkins, Paul	Peters, Stanley	Philbrook, Paula
Plourde, Alphonse	Rothhaus, Finlay	Smart, John	Toomey, Kathryn
White, John			

MERRIMACK

Chandler, John	Coughlin, Anne	Dunn, Miriam	Feuerstein, Martin
Fillion, Paul	French, Barbara	Gilbreth, Robert	Hall, Douglas
Moore, Carol	Newland, Matthew	Owen, Derek	Regan, Maurice
Rogers, Katherine	Teague, Bert	Wallner, Mary Jane	Ward, Jay
Weeks, John, Jr.	Yeaton, Charles		

ROCKINGHAM

Bell, Juanita	Caswell, Albert, Jr.	Clark, Martha	Gorman, Donald
Hurst, Sharleene	Kane, Cecelia	Noyes, Richard	O'Keefe, Patricia
Putnam, Ed, II	Spaine, James	St. Martin, Tommy	Syracusa, Anthony
Warburton, Calvin			

STRAFFORD

Brown, Julie	Callaghan, Frank	Chagnon, Ronald	Gilmore, Gary
Hambrick, Patricia	Hashem, Elaine	Hemon, Roland	Keans, Sandra
Knowles, William	Loder, Suzanne	McGrath, J. Gregory	Pelletier, Arthur
Rogers, Rose Marie	Snyder, Clair	Wall, Janet	Wheeler, Katherine

SULLIVAN

Allison, David	Cloutier, John	Holl, Ann	Kane, Joan
Palmer, Lorraine			

and the amendment was adopted.

Report adopted and ordered to third reading.

Rep. Hurst voted nay and intended to vote yea.

HB 1495, relative to taxes paid on simulcast racing. **OUGHT TO PASS**

Rep. Joyce May Johnson for Ways and Means: This bill limits the tax on dog racing when the pari-mutuel pool is less than \$30,000 per day to \$300 for either live or simulcast dog racing and \$600 for both live and simulcast dog racing. We believe this bill makes the tax distribution more fair by taking into consideration the amount of the daily handle which helps to make the industry more competitive. Vote 15-0.

Adopted and ordered to third reading.

HB 1520-FN-A-L, raising certain taxes and revenue to fund public kindergarten. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Garret P. Cowenhoven for the Majority of Ways and Means: The Committee held a public hearing on March 16, 1994 to consider alternative funding mechanisms. The Committee did not support the tax on gambling winnings or increased sin taxes as funding mechanisms for public kindergarten. Following numerous motions, the Committee voted Inexpedient to Legislate in light of the study committee established in HB 1260 which will include in its study potential funding sources for public kindergarten. Vote 10-9.

Rep. McCann moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Cowenhoven spoke against and yielded to questions.

Rep. Weeks spoke in favor and yielded to questions.

Reps. Kurk and Gene Chandler spoke against.

Rep. Soucy spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 135 NAYS 208

YEAS 135

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
McGuirk, Paul
Robertson, Timothy

Burnham, Daniel
Hunt, John
Perry, David
Russell, Ronald

Champagne, Richard
Kingsbury, H. Thayer
Pratt, Irene

Delano, Robert
Lynch, Margaret
Richardson, Barbara

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Merrill, Gerald

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Below, Clifton
Ham, Bonnie

Copenhaver, Marion
Larson, Nils, Jr.

Crory, Elizabeth
McIlwaine, Deborah

Guest, Robert
Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard
Bergeron, Lucien
Cote, David
Foster, Linda
Gosselin, Gerald
Johnson, Lionel
Martin, Mary Ellen
Murphy, Robert
Plourde, Alphonse
Turgeon, Roland

Allen, W. Gordon
Bergeron, Normand
Crotty, Edward
Franks, Suzan
Greenberg, Gary
Kirby, Thomas
Messier, Irene
Nardi, Theodora
Smart, John
White, John

Asselin, Robert
Buckley, Raymond
Daigle, Robert
Gage, Ruth
Haettenschwiller, Alphonse
Lachut, Ervin
Moore, Elizabeth
Paquette, Rodolphe
Soucy, Donna

Bagley, Amy
Clemons, Jane
Drabinowicz, A. Theresa
Gervais, Glen
Hanselman, Gregory
Leclerc, Charles
Morrisette, Roland
Philbrook, Paula
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Hager, Elizabeth
Mitchell, Vernon
Rogers, Katherine
Ward, Jay

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Moore, Carol
Teague, Bert
Weeks, John, Jr.

Coughlin, Anne
Fillion, Paul
Hess, David
Newland, Matthew
Trombly, Rick
Yeaton, Charles

Daneault, Gabriel
French, Barbara
Johnson, Joyce May
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Crossman, Harold, Jr.
Kane, Cecelia
Pantelakos, Laura
Syracusa, Anthony

Case, Margaret
DiPietro, Carmela
McGovern, Cynthia
Rosencrantz, James
Vaughn, Charles

Clark, Martha
Flanders, David
Newman, Rick
Splaine, James

Coes, Betsy
Groves, Bonnie
O'Keefe, Patricia
St. Martin, Tommy

STRAFFORD

Brown, George
Hashem, Elaine
Knowles, William
Merrill, Amanda
Spear, Barbara

Callaghan, Frank
Hemon, Roland
Loder, Suzanne
Pelletier, Arthur
Sullivan, Henry

Chagnon, Ronald
Hilliard, Dana
McCann, William, Jr.
Rogers, Rose Marie
Wall, Janet

Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

NAYS 208**BELKNAP**

Bartlett, Gordon
Hauck, William
Lawton, David
Turner, Robert

Cain, Thomas
Holbrook, Robert
Rice, Thomas, Jr.
Ziegler, Alice

Campbell, Richard, Jr.
Johnson, Carl
Rosen, Ralph

Dewhirst, Glenn
Lafam, Robert
Smith, Linda

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Manning, Joseph
Royce, H. Charles

McNamara, Wanda
Smith, Edwin

Metzger, Katherine
Young, David

Pearson, Gertrude

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Harwell, Tyler

Horton, Lynn

GRAFTON

Adams, Carl
Driscoll, William
LaMott, Paul
Trelfa, Richard

Bean, Pamela
Eaton, Stephanie
Rose, William
Wadsworth, Karen

Brown, Alson
Gordon, Edward
Scanlan, David
Ward, Kathleen

Chase, Paul, Jr.
Hill, Richard
Teschner, Douglass

HILLSBOROUGH

Amidon, Eleanor
Borsa, Andrew
Chabot, Robert
Drolet, Paul
Fenton, James
Hart, Nick
Hunter, Bruce
Kelley, Robert
Lown, Elizabeth
Milligan, Robert
O'Hearn, Jane
Peters, Stanley
Rothhaus, Finlay
Tate, Joan
Wheeler, Robert

Andrews, Frederick
Burke, M. Virginia
Cowenhoven, Garret
Durham, Susan
Ferguson, Charles
Holden, Carol
Jasper, Shawn
Kurk, Neal
Lozeau, Donnalee
Mittelman, David
Packard, Bonnie
Record, Alice
Searles, Stanley, Sr.
Upton, Barbara
Wright, George

Arnold, Barbara
Calawa, Leon, Jr.
Daniels, Gary
Dyer, Merton
Gagnon, Eugene
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
McCarty, Winston
Moncrief, Keith
Pepino, Leo
Rheault, Lillian
Smith, Leonard
Weergang, Alida

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Dodge, Emma
Dykstra, Leona
Hall, Betty
Holt, David
Kelley, Dana
Lessard, Rudy
McRae, Karen
Morello, Michael
Perkins, Paul
Rodgers, G. Philip
Sullens, Joan
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Holmes, Mary
Kidder, William
Regan, Maurice
Whittemore, James

Chandler, Earle
Houlahan, Thomas
Lockwood, Robert
Shaw, Randall
Willis, Jack

Chandler, John
Johnson, C. William
Nichols, Avis
Stapleton, Henry

Gilbreth, Robert
Kennedy, Richard
Pfaff, Terence
Whalley, Michael

ROCKINGHAM

Arndt, Janet
Bove, Martin
Christie, Andrew, Jr.

Battles, Marjorie
Campbell, Marilyn
Clark, Vivian

Beaulieu, Jon
Caswell, Albert, Jr.
Conroy, Janet

Boucher, William
Chester, Sherman
Cote, Charles

Cote, Patricia
 Dube, LeRoy
 Flanders, John, Sr.
 Hemenway, Thomas
 Katsakiores, George
 Kruse, Fred
 McKinney, Betsy
 Packard, Sherman
 Ritzo, Eugene
 Skinner, Patricia
 Sytek, Donna
 Weyler, Kenneth

Dowd, Sandra
 Felch, Charles, Sr.
 Gage, Beverly
 Hurst, Sharleene
 Katsakiores, Phyllis
 Lee, Rebecca
 Miller, Don
 Pratt, Katharin
 Rubin, George
 Smith, Arthur
 Sytek, John
 Williamson, William

Dowling, Patricia
 Fesh, Robert
 Gorman, Donald
 Hutchinson, Karen
 Klemarczyk, Thaddeus
 Lovejoy, Marian
 Moore, Benjamin
 Pullman, Robert
 Schanda, Joseph, Sr.
 Stone, Joseph
 Warburton, Calvin
 Woods, Deborah

Drake, Herbert
 Flanagan, Natalie
 Hazelton, Robert
 Johnson, Robert
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Noyes, Richard
 Putnam, Ed, II
 Senter, Marilyn
 Stritch, C. Donald
 Welch, David
 Yennaco, Carol

STRAFFORD

Brown, Julie
 McKinley, Robert
 Torr, Franklin

Douglass, Clyde
 Nehring, William
 Torr, Ralph

Dunlap, Patricia
 Pageotte, Donald
 Vincent, Francis

Hambrick, Patricia
 Torr, Ann
 Wasson, Richard

SULLIVAN

Behrens, Thomas
 Peyron, Fredrik

Domini, Irene
 Rodeschin, Beverly

Flint, Gordon
 Schotanus, Merle

Lindblade, Eric

and the motion failed.

Rep. Larson moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, and spoke in favor.

Reps. Cowenhoven and Jasper spoke against and yielded to questions.

Reps. Yeaton and Douglas Hall spoke in favor.

Rep. Klemm spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion of Ought to Pass.

YEAS 150 - NAYS 199

YEAS 150

BELKNAP

Laflam, Robert

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
 Foster, Katherine
 McGuirk, Paul
 Robertson, Timothy

Burnham, Daniel
 Kingsbury, H. Thayer
 Perry, David
 Russell, Ronald

Champagne, Richard
 Lynch, Margaret
 Pratt, Irene

Delano, Robert
 Manning, Joseph
 Richardson, Barbara

COOS

Bradley, Paula

Hawkinson, Marie

Mayhew, Josephine

Merrill, Gerald

GRAFTON

Below, Clifton
 Gordon, Edward
 McLwaine, Deborah

Chase, Paul, Jr.
 Guest, Robert
 Nordgren, Sharon

Copenhaver, Marion
 Ham, Bonnie

Crory, Elizabeth
 Larson, Nils, Jr.

HILLSBOROUGH

Ahern, Richard
 Bergeron, Lucien
 Daigle, Robert
 Foster, Linda

Ahlgren, Madelyn
 Bergeron, Normand
 Drabinowicz, A. Theresa
 Franks, Suzan

Allen, W. Gordon
 Clemons, Jane
 Durham, Susan
 Gage, Ruth

Asselin, Robert
 Cote, David
 Ferguson, Charles
 Gervais, Glen

Gosselin, Gerald
Hanselman, Gregory
Kirby, Thomas
Martin, Mary Ellen
Murphy, Robert
Philbrook, Paula
Smith, Leonard
White, John

Greenberg, Gary
Hart, Nick
Lachut, Ervin
Messier, Irene
Nardi, Theodora
Plourde, Alphonse
Soucy, Donna

Haettenschwiller, Alphonse
Holley, Sylvia
Laughlin, J. Francis
Moore, Elizabeth
Paquette, Rodolphe
Reidy, Frank
Toomey, Kathryn

Hall, Betty
Johnson, Lionel
Leclerc, Charles
Morrisette, Roland
Peters, Stanley
Smart, John
Turgeon, Roland

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Hess, David
Owen, Derek
Teague, Bert
Yeaton, Charles

Carter, Susan
Dunn, Miriam
Gibbreth, Robert
Johnson, Joyce May
Regan, Maurice
Wallner, Mary Jane

Chandler, John
Feuerstein, Martin
Hager, Elizabeth
Moore, Carol
Rogers, Katherine
Ward, Jay

Coughlin, Anne
Fillion, Paul
Hall, Douglas
Newland, Matthew
Shaw, Randall
Weeks, John, Jr.

ROCKINGHAM

Bell, Juanita
Clark, Martha
Johnson, Robert
O'Keefe, Patricia
Splaine, James

Campbell, Marilyn
Coes, Betsy
Kane, Cecelia
Pantelakos, Laura
St. Martin, Tommy

Case, Margaret
Crossman, Harold, Jr.
Lovejoy, Marian
Ritzo, Eugene
Syracusa, Anthony

Caswell, Albert, Jr.
Groves, Bonnie
McGovern, Cynthia
Rosencrantz, James
Vaughn, Charles

STRAFFORD

Brown, George
Dunlap, Patricia
Hemon, Roland
McCann, William, Jr.
Rogers, Rose Marie
Vincent, Francis

Brown, Julie
Gilmore, Gary
Hilliard, Dana
McGrath, J. Gregory
Snyder, Clair
Wall, Janet

Callaghan, Frank
Hambrick, Patricia
Keans, Sandra
Merrill, Amanda
Spear, Barbara
Wheeler, Katherine

Chagnon, Ronald
Hashem, Elaine
Loder, Suzanne
Pelletier, Arthur
Sullivan, Henry

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

NAYS 199

BELKNAP

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.
Ziegler, Alice

Cain, Thomas
Holbrook, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Johnson, Carl
Smith, Linda

Dewhirst, Glenn
Lawton, David
Turner, Robert

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Hunt, John
Royce, H. Charles

McNamara, Wanda
Smith, Edwin

Metzger, Katherine
Young, David

Pearson, Gertrude

COOS

Coulombe, Henry
Horton, Lynn

Foss, Frederic
Mears, Edgar

Guay, Lawrence
Pratt, Leighton

Harwell, Tyler

GRAFTON

Adams, Carl
Eaton, Stephanie
Scanlan, David
Ward, Kathleen

Bean, Pamela
Hill, Richard
Teschner, Douglass

Brown, Alson
LaMott, Paul
Trelfa, Richard

Driscoll, William
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.
Bagley, Amy	Borsa, Andrew	Buckley, Raymond	Burke, M. Virginia
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert	Cowenhoven, Garret
Crotty, Edward	Daniels, Gary	Dodge, Emma	Drolet, Paul
Dyer, Merton	Dykstra, Leona	Fenton, James	Gagnon, Eugene
Holden, Carol	Holt, David	Hunter, Bruce	Jasper, Shawn
Jean, Loren	Kelley, Dana	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee
McCarty, Winston	McRae, Karen	Milligan, Robert	Mittelman, David
Moncrief, Keith	Morello, Michael	O'Hearn, Jane	Packard, Bonnie
Pepino, Leo	Perkins, Paul	Record, Alice	Rheault, Lillian
Rodgers, G. Philip	Rothhaus, Finlay	Sallada, Roland	Searles, Stanley, Sr.
Sullens, Joan	Tate, Joan	Upton, Barbara	Weergang, Alida
Wells, Peter, Sr.	Wheeler, Robert	Wright, George	

MERRIMACK

Barberia, Richard	Chandler, Earle	Holmes, Mary	Houlahan, Thomas
Johnson, C. William	Kennedy, Richard	Kidder, William	Lockwood, Robert
Mitchell, Vernon	Nichols, Avis	Pfaff, Terence	Stapleton, Henry
Trombly, Rick	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Boucher, William	Bove, Martin	Chester, Sherman
Christie, Andrew, Jr.	Clark, Vivian	Conroy, Janet	Cote, Charles
Cote, Patricia	DiPietro, Carmela	Dowd, Sandra	Dowling, Patricia
Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gorman, Donald	Hazelton, Robert	Hemenway, Thomas	Hurst, Sharleene
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Klemarczyk, Thaddeus
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Malcolm, Kenneth
McKinney, Betsy	Miller, Don	Moore, Benjamin	Newman, Rick
Noyes, Richard	Packard, Sherman	Pratt, Katharin	Pullman, Robert
Putnam, Ed, II	Rubin, George	Schanda, Joseph, Sr.	Senter, Merilyn
Skinner, Patricia	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Sytek, John	Warburton, Calvin	Welch, David
Weyler, Kenneth	Williamson, William	Woods, Deborah	Yennaco, Carol

STRAFFORD

Douglass, Clyde	Knowles, William	McKinley, Robert	Nehring, William
Pageotte, Donald	Torr, Ann	Torr, Franklin	Torr, Ralph
Wasson, Richard			

SULLIVAN

Behrens, Thomas	Domini, Irene	Flint, Gordon	Lindblade, Eric
Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle	

and the motion failed.
Report adopted.

(RECESS)**(Speaker Burns in the Chair)**

The Chair requested a Quorum Count and declared a Quorum present.

MOTION TO LIMIT DEBATE

Rep. Dunn moved that debate be limited to 20 minutes for each remaining bill on the day's Calendar, to be equally divided in time, and to include questions.

Reps. Gene Chandler and Buckley spoke against.

Rep. Warburton spoke in favor.

On a division vote, 171 members having voted in the affirmative and 141 in the negative, the motion to limit debate was adopted.

SPECIAL ORDERS (Cont'd.)

HB 1584-FN-A-L, establishing a uniform statewide property tax to provide local property tax relief and to equalize funding for education. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Garret P. Cowenhoven for the Majority of Ways and Means: The statewide property tax has problems including the elimination of the Augenblick formula and a possible 28A mandate issue. The charge of the study committee established in HB 1260 includes studying this bill's subject. Vote 10-9.

Rep. William H. McCann, Jr. for the Minority of Ways and Means: The Minority of the Committee believes that this bill has been studied enough. The statewide property tax would give tax relief to 77 percent of our cities and towns. The bill would provide a redistribution of the biggest broad base tax in New Hampshire. It would benefit our school districts and the children they are trying to educate. It is not a new tax; it is a mechanism to correct a long-term problem in funding education in our state as well as providing a resolution to the Claremont lawsuit.

Rep. Allen moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, and spoke in favor.

Rep. Cowenhoven spoke against and yielded to questions.

Reps. Plourde and Joyce Johnson spoke in favor.

Reps. Donna Sytek and Jasper spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 123 NAYS 227

YEAS 123

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Richardson, Barbara

Burnham, Daniel
Lynch, Margaret
Robertson, Timothy

Champagne, Richard
McGuirk, Paul

Foster, Katherine
Pratt, Irene

COOS

Coulombe, Henry

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

GRAFTON

Below, Clifton
Guest, Robert

Brown, Patricia
McIlwaine, Deborah

Copenhaver, Marion
Nordgren, Sharon

Cory, Elizabeth

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Clemons, Jane
Foster, Linda
Haettenschwiller, Alphonse
Kirby, Thomas
Martin, Mary Ellen
Nardi, Theodora
Reidy, Frank
White, John

Ahlgren, Madelyn
Bergeron, Lucien
Cote, David
Gage, Ruth
Hall, Betty
Laughlin, J. Francis
Messier, Irene
Paquette, Rodolphe
Smart, John

Allen, W. Gordon
Bergeron, Normand
Daigle, Robert
Gervais, Glen
Hanselman, Gregory
Leclerc, Charles
Morrisette, Roland
Philbrook, Paula
Soucy, Donna

Asselin, Robert
Buckley, Raymond
Durham, Susan
Gosselin, Gerald
Johnson, Lionel
Lefebvre, Roland
Murphy, Robert
Plourde, Alphonse
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
French, Barbara
Johnson, Joyce May
Rogers, Katherine
Wallner, Mary Jane

Daneault, Gabriel
Gilbreth, Robert
Moore, Carol
Shaw, Randall
Weeks, John, Jr.

Dunn, Miriam
Hager, Elizabeth
Newland, Matthew
Teague, Bert
Yeaton, Charles

Feuerstein, Martin
Hall, Douglas
Regan, Maurice
Trombly, Rick

ROCKINGHAM

Bell, Juanita
Hutchinson, Karen
McGovern, Cynthia
Schanda, Joseph, Sr.
Vaughn, Charles

Caswell, Albert, Jr.
Kane, Cecelia
Newman, Rick
Splaine, James

Clark, Martha
Lee, Rebecca
Pantelakos, Laura
St. Martin, Tommy

Hemenway, Thomas
Lovejoy, Marian
Rosencrantz, James
Syracusa, Anthony

STRAFFORD

Brown, George
Hambrick, Patricia
Knowles, William
Merrill, Amanda
Snyder, Clair
Wheeler, Katherine

Callaghan, Frank
Hashem, Elaine
Loder, Suzanne
Pelletier, Arthur
Sullivan, Henry

Chagnon, Ronald
Hilliard, Dana
McCann, William, Jr.
Pelletier, Marsha
Vincent, Francis

Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Rogers, Rose Marie
Wall, Janet

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

NAYS 227**BELKNAP**

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph
Ziegra, Alice

Cain, Thomas
Hauck, William
Lafam, Robert
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Young, Niel

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Delano, Robert
Pearson, Gertrude
Smith, Edwin

Hunt, John
Perry, David
Young, David

Manning, Joseph
Royce, H. Charles

McNamara, Wanda
Russell, Ronald

COOS

Bradley, Paula
Horton, Lynn

Foss, Frederic
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

Harwell, Tyler

GRAFTON

Adams, Carl
Driscoll, William
Hill, Richard
Teschner, Douglass

Bean, Pamela
Eaton, Stephanie
Larson, Nils, Jr.
Trelfa, Richard

Brown, Alson
Gordon, Edward
Rose, William
Wadsworth, Karen

Chase, Paul, Jr.
Ham, Bonnie
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Amidon, Eleanor
Borsa, Andrew
Chabot, Robert
Dodge, Emma

Andrews, Frederick
Burke, M. Virginia
Cowenhoven, Garret
Drabinowicz, A. Theresa

Arnold, Barbara
Calawa, Leon, Jr.
Crotty, Edward
Drolet, Paul

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Daniels, Gary
Dyer, Merton

Dykstra, Leona	Fenton, James	Ferguson, Charles	Franks, Suzan
Gagnon, Eugene	Hart, Nick	Holden, Carol	Holley, Sylvia
Holt, David	Holt, Mark	Hunter, Bruce	Jasper, Shawn
Jean, Loren	Kelley, Dana	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	Lachut, Ervin	Lessard, Rudy	Lown, Elizabeth
Lozeau, Donnalee	McCarty, Winston	McRae, Karen	Mercer, Robert
Milligan, Robert	Mittelman, David	Moncrief, Keith	Moore, Elizabeth
Morello, Michael	O'Hearn, Jane	Packard, Bonnie	Pepino, Leo
Perkins, Paul	Peters, Stanley	Record, Alice	Rheault, Lillian
Riley, Frances	Rodgers, G. Philip	Rothhaus, Finlay	Sallada, Roland
Searles, Stanley, Sr.	Smith, Leonard	Sullens, Joan	Tate, Joan
Turgeon, Roland	Upton, Barbara	Weergang, Alida	Wells, Peter, Sr.
Wheeler, Robert	Wright, George		

MERRIMACK

Barberia, Richard	Chandler, Earle	Chandler, John	Coughlin, Anne
Fillion, Paul	Hess, David	Holmes, Mary	Houlahan, Thomas
Johnson, C. William	Kennedy, Richard	Kidder, William	Lockwood, Robert
Mitchell, Vernon	Nichols, Avis	Owen, Derek	Stapleton, Henry
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Boucher, William	Bove, Martin	Buco, Stephen
Campbell, Marilyn	Case, Margaret	Chester, Sherman	Christie, Andrew, Jr.
Clark, Vivian	Coes, Betsy	Conroy, Janet	Cote, Charles
Cote, Patricia	Crossman, Harold, Jr.	DiPietro, Carmela	Dowd, Sandra
Dowling, Patricia	Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Gorman, Donald	Groves, Bonnie	Hazelton, Robert
Hurst, Sharleene	Johnson, Robert	Katsakiores, George	Klemarczyk, Thaddeus
Klemm, Arthur, Jr.	Kruse, Fred	Malcolm, Kenneth	McKinney, Betsy
Miller, Don	Moore, Benjamin	Noyes, Richard	O'Keefe, Patricia
Packard, Sherman	Pratt, Katharin	Pullman, Robert	Putnam, Ed, II
Raynowska, Bernard	Ritzo, Eugene	Rubin, George	Senter, Merilyn
Skinner, Patricia	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Sytek, John	Warburton, Calvin	Welch, David
Weyler, Kenneth	Williamson, William	Woods, Deborah	Yennaco, Carol

STRAFFORD

Brown, Julie	Douglass, Clyde	Dunlap, Patricia	McKinley, Robert
Nehring, William	Pageotte, Donald	Spear, Barbara	Torr, Ann
Torr, Franklin	Wasson, Richard		

SULLIVAN

Behrens, Thomas	Flint, Gordon	Lindblade, Eric	Peyron, Fredrik
Rodeschin, Beverly	Schotanus, Merle		

and the substitute motion failed.

Report adopted.

HB 1100, prohibiting the release of wolves. OUGHT TO PASS WITH AMENDMENT

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill seeks to limit the sale, breeding, import, export of wolf dog cross animals and to regulate existing animals as domestic dogs so that the existing animals in the state can be regulated. Vote 10-2.

Amendment (5572)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the importation, possession and breeding of
wild hybrid canines in the State of New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Wild Hybrid Canines. Amend RSA 466 by inserting after section 1-a the following new section:

466:1-b Wild Hybrid Canines.

I. No person shall import, sell, breed, exhibit, export or release a wild hybrid canine in the state of New Hampshire. Any person possessing a wild hybrid canine after January 1, 1995, shall be required to procure a license from the office of the clerk of the municipality in which such wild hybrid canine is kept pursuant to the requirements of RSA 466:1. The fee for such license shall be \$4.50.

II. Before a license is issued for possession of a wild hybrid canine, the person possessing a wild hybrid canine shall furnish to the clerk a certificate that such wild hybrid canine has been vaccinated against rabies in accordance with the provisions of RSA 436:99 - RSA 436:109.

III. The person possessing a wild hybrid canine that is vaccinated with a rabies vaccination approved for canines shall be required by the veterinarian administering the vaccination to sign an affidavit indicating awareness that the use of the canine-approved vaccination on wild hybrid canines is experimental and that the veterinarian administering the vaccination shall not be liable if the wild hybrid canine contracts rabies.

IV.(a) All wild hybrid canines shall be spayed or neutered, provided, however, that a person possessing a wild hybrid canine shall provide certification from the person performing the operation to the satisfaction of the clerk of the municipality in which the wild hybrid canine is kept, as a condition of licensing such animal.

(b) Each wild hybrid canine shall be confined in an enclosure or structure sufficient to prohibit escape or release and allow adequate floor space for the keeping of such animal.

V. Any person failing to meet the requirements of this section shall be guilty of a violation.

2 Wild Hybrid Canine; References Added. Amend RSA 466:19 to read as follows:

466:19 Liability of Owner or Keeper. Any person to whom or to whose property, including sheep, lambs, fowl, or other domestic creatures, damage may be occasioned by a dog *or wild hybrid canine* not owned or kept by him shall be entitled to recover such damage of the person who owns or keeps the dog *or wild hybrid canine*, or has it in his possession, unless the damage was occasioned to him while he was engaged in the commission of a trespass or other tort. A parent or guardian shall be liable under this section if the owner or keeper of the dog *or wild hybrid canine* is a minor.

3 Wild Hybrid Canine; Reference Added. Amend RSA 466:28 to read as follows:

466:28 Killing Dogs *or Wild Hybrid Canines* Legalized. Any person may kill a dog *or wild hybrid canine* that suddenly assaults him while he is peaceably walking or riding without the enclosure of its owner or keeper; and any person may kill a dog *or wild hybrid canine* that is found out of the enclosure or immediate care of its owner or keeper worrying, wounding or killing sheep, lambs, fowl, or other domestic animals.

4 Wild Hybrid Canine; References Added. Amend RSA 466:31 to read as follows:

466:31 Dogs *or Wild Hybrid Canines* a Menace, a Nuisance or Vicious.

I. Any person who considers a dog *or wild hybrid canine* to be a nuisance, a menace or vicious to persons, to property or to other animals may make a complaint in writing to any law enforcement officer, conservation officer, or a selectman of the town or city in which such dog *or wild hybrid canine* is kept. Such officer or selectman shall, within 3 days after the receipt of such complaint, investigate the facts and circumstances of the case, and if the complaint is sustained shall forthwith order the owner, keeper or person who harbors such dog *or wild hybrid canine* to abate the nuisance or menace. Service of such order shall be made upon the owner, keeper or person who harbors such dog *or wild hybrid canine* by any law enforcement officer by causing a certified copy of such order to be delivered to him or

by registered mail to his last known place of abode. Any owner, keeper or person who harbors such dog *or wild hybrid canine* upon whom notice of such order has been served may, within 10 days, bring a petition to the municipal or district court for the town or city, as the case may be, praying that the order be reviewed by the court. After notice to the investigating officers and the person or persons making the complaint, and upon hearing, the court shall affirm, modify or dismiss such order as justice may require. During the pendency of such action and the order of the justice of the court, the owner, keeper or person who harbors such dog *or wild hybrid canine* shall restrain such dog *or wild hybrid canine* from running at large at all times.

II. Under this section, a dog *or wild hybrid canine* is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions:

(a) If it barks *or howls* for sustained periods of time, or during the night hours so as to disturb the peace and quiet of a neighborhood or area;

(b) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's;

(c) If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting;

(d) If it growls, snaps at, runs after or chases any person or persons;

(e) If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways;

(f) If, whether alone or in a pack with other dogs *or wild hybrid canines*, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

II-a. If the skin of a person has been punctured by a dog *or wild hybrid canine* and the incident was reported, including the identity of the dog *or wild hybrid canine* and its owner, to the animal officer, if any, or to the town clerk, such officer or clerk shall, within 24 hours, notify the injured person, or, in the case of a minor, the minor's parent or guardian, whether, according to town records, the dog *or wild hybrid canine* has been appropriately immunized against rabies.

III. Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have his dog *or wild hybrid canine* taken into custody by the police of the city or constable of the town and such disposition made of the dog as the court may order.

5 Wild Hybrid Canine; References Added. Amend the introductory paragraph of RSA 466:31-a, II to read as follows:

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog *or wild hybrid canine* is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer to the owner or keeper of a dog *or wild hybrid canine* in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

6 Wild Hybrid Canine; References Added. Amend RSA 466:34 to read as follows:

466:34 Pursuing Game, etc. Any owner of a dog *or wild hybrid canine* to whom notice has been given that such dog *or wild hybrid canine*, when at large, has been discovered pursuing or harassing moose, caribou, deer or sheep, or injuring any domestic creature, shall be guilty of a violation for each subsequent occasion on which said dog *or wild hybrid canine* shall be so discovered.

7 Wild Hybrid Canine; Reference Added. Amend RSA 466:35 to read as follows:

466:35 Maiming Game. If any dog *or wild hybrid canine*, at any time, shall maim, injure or destroy any [wild animal] *wildlife* protected by law, the owner thereof shall be fined the same amount which the statutes impose upon persons for killing the same animal contrary to law.

8 Wild Hybrid Canine; References Added. Amend RSA 466:36 to read as follows:

466:36 Killing Dogs. Any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer may kill any dog *or wild hybrid canine* found in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal. No civil action for recovery of damages shall lie against any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer while acting under authority granted herein. The owner or owners of any dog [or dogs] *or wild hybrid canine* caught in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal shall be guilty of a violation [and notwithstanding the provisions of Title LXII may be fined up to \$500].

9 Wild Hybrid Canine; Reference Added. Amend RSA 466:39 to read as follows:

466:39 City or Town Bylaws. The city council of a city or any town may make such additional bylaws and regulations concerning the licensing and restraining of dogs *or wild hybrid canines* as they deem expedient, and may affix penalties not exceeding \$10 for a breach thereof. Such bylaws and regulations shall relate only to dogs *or wild hybrid canines* owned or kept in such city or town, and the annual fee required for a license shall in no case be more than \$1 in addition to the sum hereby required.

10 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill regulates the importation, possession and breeding of wild hybrid canines. Reps. Gene Chandler, Dickinson and Linda Smith spoke in favor.
Adopted.

Reps. Dickinson and McGuirk offered a floor amendment.

Floor Amendment (5620B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines.

Amend the bill by replacing all after section 9 with the following:

10 Committee Established; Members. There is established a committee to study issues relative to wild hybrid canines including importation, possession and breeding rules or banning such canines from the state. The committee shall consist of the following members:

- I. One senator, appointed by the president of the senate.
- II. One representative, appointed by the speaker of the house.
- III. The commissioner of the department of agriculture, or designee.
- IV. The executive director of the fish and game department, or designee.
- V. One member representing the Humane Society, appointed by the society.
- VI. One breeder of wild hybrid canines, appointed by the governor.
- VII. One owner of wild hybrid canines, appointed by the governor.
- VIII. One licensed veterinarian, appointed by the New Hampshire Veterinary Medical Association.

IX. One AKC registered dog owner, appointed by the governor.

11 Meetings; Mileage. The house member shall call the first meeting within 30 days of the effective date of this act. The members shall elect a chairperson at the first meeting. Members shall serve without compensation except that legislative members shall receive legislative mileage.

12 Report. The committee shall submit a report of its findings, including recommendations for legislation, to the speaker of the house, senate president and governor no later than November 1, 1994.

13 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill regulates the importation, possession and breeding of wild hybrid canines.

This bill also establishes a committee to study issues relative to wild hybrid canines including importation, possession and breeding rules or banning such canines.

Adopted.

Report adopted and ordered to third reading.

REGULAR CALENDAR

HB 1150, requiring a financial institution to allow an applicant for a mortgage loan to select an appraisal firm from a list of firms supplied by the institution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the Majority of Commerce, Small Business and Consumer Affairs: The sponsor of the bill agreed that this bill should apply to commercial properties only. The primary reason for obtaining an appraisal is to make a determination on the value of the property. The lender then must depend on the appraisal to determine the amount of allowable funds that can be loaned. Federal law already prohibits collusion and "conflict of interest" contracting for the vendor services including the hiring of an appraiser. Lenders already utilize the bidding process to obtain the most proficient and most reasonably priced appraisal firms. While lenders may work with several various firms, not all appraisal firms are competent in appraising all properties. A lender is best suited to make the decision and stands to lose the most if the appraisal is not accurate. Vote 13-5.

Rep. Suzanne K. Loder for Commerce, Small Business and Consumer Affairs: The minority of the committee believes passage of this bill would give the consumer, who pays for the appraisal, a choice of appraisers from those listed (okayed) by the lending institution. Vote 13-5.

Rep. Loder moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, and spoke in favor.

Rep. Drolet spoke against.

Rep. Braiterman spoke in favor and yielded to questions.

Rep. Bonnie Packard spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 144 NAYS 201**YEAS 144****BELKNAP**

Cain, Thomas

Laflam, Robert

Salatiello, Thomas

CARROLL

Cogswell, Richard

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
McNamara, Wanda
Russell, Ronald

Burnham, Daniel
Lynch, Margaret
Pratt, Irene

Champagne, Richard
Manning, Joseph
Richardson, Barbara

Foster, Katherine
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Foss, Frederic
Pratt, Leighton

Hawkinson, Marie

GRAFTON

Copenhaver, Marion
McIlwaine, Deborah

Crory, Elizabeth
Nordgren, Sharon

Guest, Robert

Ham, Bonnie

HILLSBOROUGH

Ahern, Richard
Bergeron, Lucien
Clemons, Jane
Foster, Linda
Hart, Nick
Laughlin, J. Francis
Lozeau, Donnalee
Morrissette, Roland
Philbrook, Paula
Smith, Leonard
Weergang, Alida

Ahlgren, Madelyn
Bergeron, Normand
Cote, David
Gervais, Glen
Holt, David
Leclerc, Charles
Martin, Mary Ellen
Nardi, Theodora
Plourde, Alphonse
Soucy, Donna
White, John

Asselin, Robert
Buckley, Raymond
Daigle, Robert
Haettenschwiller, Alphonse
Johnson, Lionel
Lefebvre, Roland
McCarty, Winston
Paquette, Rodolphe
Reidy, Frank
Toomey, Kathryn

Bagley, Amy
Cepaitis, Elizabeth
Drabinowicz, A. Theresa
Hall, Betty
Kirby, Thomas
Lessard, Rudy
Mittelman, David
Perkins, Paul
Smart, John
Turgeon, Roland

MERRIMACK

Barberia, Richard
Dunn, Miriam
Moore, Carol
Rogers, Katherine
Whittemore, James

Braiterman, Thea
Feuerstein, Martin
Newland, Matthew
Shaw, Randall
Yeaton, Charles

Coughlin, Anne
French, Barbara
Owen, Derek
Trombly, Rick

Daneault, Gabriel
Hess, David
Regan, Maurice
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Caswell, Albert, Jr.
Crossman, Harold, Jr.
Hemenway, Thomas
Lovejoy, Marian
Pratt, Katharin
Stritch, C. Donald

Bove, Martin
Clark, Martha
DiPietro, Carmela
Hurst, Sharleene
McGovern, Cynthia
Rosencrantz, James
Vaughn, Charles

Buco, Stephen
Coes, Betsy
Dowling, Patricia
Hutchinson, Karen
O'Keefe, Patricia
Splaine, James

Campbell, Marilyn
Cote, Charles
Groves, Bonnie
Kane, Cecelia
Pantelakos, Laura
St. Martin, Tommy

STRAFFORD

Brown, George
Hilliard, Dana
McGrath, J. Gregory
Pelletier, Marsha
Torr, Franklin

Gilmore, Gary
Keans, Sandra
McKinley, Robert
Rogers, Rose Marie
Vincent, Francis

Hambrick, Patricia
Knowles, William
Merrill, Amanda
Snyder, Clair
Wall, Janet

Hashem, Elaine
Loder, Suzanne
Pelletier, Arthur
Sullivan, Henry
Wheeler, Katherine

SULLIVAN

Allison, David
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon
Stamatakis, Carol

NAYS 201**BELKNAP**

Bartlett, Gordon
Hauck, William
Lawton, David
Turner, Robert

Campbell, Richard, Jr.
Hawkins, Robert
Rice, Thomas, Jr.
Young, Niel

Dewhirst, Glenn
Holbrook, Robert
Rosen, Ralph
Ziegler, Alice

Golden, Paul
Johnson, Carl
Smith, Linda

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Philbrick, Donald

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Mock, Henry

CHESHIRE

Delano, Robert
Royce, H. Charles

Hunt, John
Smith, Edwin

Pearson, Gertrude
Young, David

Perry, David

COOS

Guay, Lawrence

Harwell, Tyler

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Gordon, Edward
Rose, William
Wadsworth, Karen

Bean, Pamela
Chase, Paul, Jr.
Hill, Richard
Scanlan, David
Ward, Kathleen

Below, Clifton
Driscoll, William
LaMott, Paul
Teschner, Douglass

Brown, Alson
Eaton, Stephanie
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Allen, W. Gordon
Arnold, Thomas, Jr.
Chabot, Robert

Amidon, Eleanor
Borsa, Andrew
Cowenhoven, Garret

Andrews, Frederick
Burke, M. Virginia
Crotty, Edward

Arnold, Barbara
Calawa, Leon, Jr.
Daniels, Gary

Dodge, Emma
Dykstra, Leona
Gage, Ruth
Healy, Daniel
Hunter, Bruce
Kelley, Robert
Lown, Elizabeth
Milligan, Robert
Murphy, Robert
Peters, Stanley
Rothhaus, Finlay
Tate, Joan

Drolet, Paul
Fenton, James
Gagnon, Eugene
Holden, Carol
Jasper, Shawn
Kurk, Neal
McRae, Karen
Moncrief, Keith
O'Hearn, Jane
Rheault, Lillian
Sallada, Roland
Upton, Barbara

Durham, Susan
Ferguson, Charles
Gosselin, Gerald
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
Mercer, Robert
Moore, Elizabeth
Packard, Bonnie
Riley, Frances
Searles, Stanley, Sr.
Wheeler, Robert

Dyer, Merton
Franks, Suzan
Hanselman, Gregory
Holt, Mark
Kelley, Dana
Lachut, Ervin
Messier, Irene
Morello, Michael
Pepino, Leo
Rodgers, G. Philip
Sullens, Joan
Wright, George

MERRIMACK

Chandler, Earle
Hager, Elizabeth
Johnson, C. William
Mitchell, Vernon
Weeks, John, Jr.

Chandler, John
Hall, Douglas
Kennedy, Richard
Nichols, Avis
Whalley, Michael

Fillion, Paul
Holmes, Mary
Kidder, William
Stapleton, Henry
Willis, Jack

Gilbreth, Robert
Houlahan, Thomas
Lockwood, Robert
Teague, Bert

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Christie, Andrew, Jr.
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Katsakiores, George
Lee, Rebecca
Moore, Benjamin
Putnam, Ed, II
Schanda, Joseph, Sr.
Syracusa, Anthony
Williamson, William

Arndt, Janet
Boucher, William
Clark, Vivian
Drake, Herbert
Flanagan, Natalie
Gorman, Donald
Klemarczyk, Thaddeus
Malcolm, Kenneth
Noyes, Richard
Raynowska, Bernard
Senter, Marilyn
Sytek, John
Woods, Deborah

Battles, Marjorie
Case, Margaret
Conroy, Janet
Dube, LeRoy
Flanders, David
Hazelton, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Packard, Sherman
Ritzo, Eugene
Smith, Arthur
Warburton, Calvin
Yennaco, Carol

Beaulieu, Jon
Chester, Sherman
Cote, Patricia
Felch, Charles, Sr.
Flanders, John, Sr.
Johnson, Robert
Kruse, Fred
Miller, Don
Pullman, Robert
Rubin, George
Stone, Joseph
Weyler, Kenneth

STRAFFORD

Brown, Julie
Dunlap, Patricia
Torr, Ann

Callaghan, Frank
Nehring, William
Wasson, Richard

Chagnon, Ronald
Pageotte, Donald

Douglass, Clyde
Spear, Barbara

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

and the motion failed.

Report adopted.

HB 1347, requiring a financial institution to allow an applicant for a mortgage loan to select a hazardous waste site assessment firm from a list of firms supplied by the institution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the Majority of Commerce, Small Business and Consumer Affairs: The risk of environmental liability and responsibility has made hazardous waste site assessments a critical issue in determining whether a loan will be made on certain types of properties. The lender wants to assure that the collateral value of the property is not compromised in any way by hazardous waste problems and, as a safety and soundness measure, should, therefore, be allowed to make the final decision on the assessment firm it believes can best provide the services needed based on past relationships and experiences. Since the lender is the entity at risk when making the loan, the lender should be allowed to select the most de-

pendable and most reasonably priced assessment firm. There are a limited number of hazardous waste site assessment firms in this state and not all firms are equally proficient in all areas of hazardous waste assessments. Vote 8-7.

Rep. Elizabeth L. Crory for the Minority of Commerce, Small Business and Consumer Affairs: This bill insists a bank, which requires a potential borrower to pay for a hazardous waste site assessment, supply the bank's approved list of appraisers to perform the assessment. The borrower shall select an appraiser from the bank's approved list. We feel this allows choice and competition, which is vital for a stable banking environment.

Rep. Newland moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, and spoke in favor.

Reps. Hunt and Bonnie Packard spoke against.

Rep. Fuller Clark spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 136 NAYS 203

YEAS 136 BELKNAP

Laflam, Robert

Salatiello, Thomas

CARROLL

Cogswell, Richard

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Richardson, Barbara

Burnham, Daniel
Lynch, Margaret
Robertson, Timothy

Champagne, Richard
Manning, Joseph
Russell, Ronald

Foster, Katherine
Pratt, Irene

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Foss, Frederic

Hawkinson, Marie

GRAFTON

Brown, Alson
Ham, Bonnie

Copenhaver, Marion
McIlwaine, Deborah

Crory, Elizabeth
Nordgren, Sharon

Guest, Robert

HILLSBOROUGH

Ahern, Richard
Bergeron, Lucien
Clemons, Jane
Durham, Susan
Hall, Betty
Kirby, Thomas
Lessard, Rudy
Morrissette, Roland
Reidy, Frank
Soucy, Donna
Weergang, Alida

Ahlgren, Madelyn
Bergeron, Normand
Cote, David
Foster, Linda
Hart, Nick
Laughlin, J. Francis
Lozeau, Donnalee
Nardi, Theodora
Riley, Frances
Toomey, Kathryn
White, John

Asselin, Robert
Buckley, Raymond
Crotty, Edward
Gage, Ruth
Holt, David
Leclerc, Charles
McCarty, Winston
Paquette, Rodolphe
Smart, John
Turgeon, Roland

Bagley, Amy
Cepaitis, Elizabeth
Drabinowicz, A. Theresa
Haettenschwiller, Alphonse
Johnson, Lionel
Lefebvre, Roland
Milligan, Robert
Philbrook, Paula
Smith, Leonard
Upton, Barbara

MERRIMACK

Braiterman, Thea
Feuerstein, Martin
Moore, Carol
Rogers, Katherine
Whittemore, James

Coughlin, Anne
Fillion, Paul
Newland, Matthew
Trombly, Rick
Yeaton, Charles

Daneault, Gabriel
French, Barbara
Owen, Derek
Wallner, Mary Jane

Dunn, Miriam
Hess, David
Regan, Maurice
Ward, Jay

ROCKINGHAM

Bell, Juanita
Clark, Martha
Crossman, Harold, Jr.

Buco, Stephen
Clark, Vivian
DiPietro, Carmela

Campbell, Marilyn
Coes, Betsy
Dowling, Patricia

Caswell, Albert, Jr.
Cote, Charles
Groves, Bonnie

Hemenway, Thomas
McGovern, Cynthia
Splaine, James

Hurst, Sharleene
O'Keefe, Patricia
St. Martin, Tommy

Hutchinson, Karen
Pantelakos, Laura
Vaughn, Charles

Kane, Cecelia
Rosencrantz, James

STRAFFORD

Brown, George
Hashem, Elaine
Loder, Suzanne
Pelletier, Arthur
Torr, Franklin

Chagnon, Ronald
Hilliard, Dana
McCann, William, Jr.
Rogers, Rose Marie
Wheeler, Katherine

Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Snyder, Clair

Hambrick, Patricia
Knowles, William
Merrill, Amanda
Sullivan, Henry

SULLIVAN

Allison, David
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon
Stamatakis, Carol

NAYS 203

BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Smith, Linda

Cain, Thomas
Hauck, William
Lawton, David
Turner, Robert

Campbell, Richard, Jr.
Hawkins, Robert
Rice, Thomas, Jr.
Young, Niel

Dewhirst, Glenn
Holbrook, Robert
Rosen, Ralph
Ziegra, Alice

CARROLL

Allard, Nanci
Foster, Robert
Saunders, Howard

Beach, Mildred
Lyman, L. Randy
Wiggin, Gordon

Bradley, Jeb
Mock, Henry

Chandler, Gene
Philbrick, Donald

CHESHIRE

Delano, Robert
Metzger, Katherine
Young, David

Hunt, John
Pearson, Gertrude

McGuirk, Paul
Perry, David

McNamara, Wanda
Smith, Edwin

COOS

Guay, Lawrence

Harwell, Tyler

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Hill, Richard
Scanlan, David
Ward, Kathleen

Bean, Pamela
Driscoll, William
LaMott, Paul
Teschner, Douglass

Below, Clifton
Eaton, Stephanie
Larson, Nils, Jr.
Trelfa, Richard

Brown, Patricia
Gordon, Edward
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Amidon, Eleanor
Borsa, Andrew
Cowenhoven, Garret
Drolet, Paul
Franks, Suzan
Hanselman, Gregory
Holt, Mark
Kelley, Dana
Lachut, Ervin
Messier, Irene
Morello, Michael
Pepino, Leo
Rodgers, G. Philip
Sullens, Joan

Andrews, Frederick
Burke, M. Virginia
Daigle, Robert
Dyer, Merton
Gagnon, Eugene
Healy, Daniel
Hunter, Bruce
Kelley, Robert
Lown, Elizabeth
Mittelman, David
Murphy, Robert
Perkins, Paul
Rothhaus, Finlay
Tate, Joan

Arnold, Barbara
Calawa, Leon, Jr.
Daniels, Gary
Dykstra, Leona
Gervais, Glen
Holden, Carol
Jasper, Shawn
Kurk, Neal
McRae, Karen
Moncrief, Keith
O'Hearn, Jane
Peters, Stanley
Sallada, Roland
Wells, Peter, Sr.

Arnold, Thomas, Jr.
Chabot, Robert
Dodge, Emma
Ferguson, Charles
Gosselin, Gerald
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
Mercer, Robert
Moore, Elizabeth
Packard, Bonnie
Rheault, Lillian
Searles, Stanley, Sr.
Wheeler, Robert

MERRIMACK

Barberia, Richard
Hall, Douglas

Chandler, Earle
Holmes, Mary

Chandler, John
Houlahan, Thomas

Gilbreth, Robert
Johnson, C. William

Kennedy, Richard
Nichols, Avis
Weeks, John, Jr.

Kidder, William
Shaw, Randall
Whalley, Michael

Lockwood, Robert
Stapleton, Henry
Willis, Jack

Mitchell, Vernon
Teague, Bert

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Chester, Sherman
Dowd, Sandra
Fesh, Robert
Gorman, Donald
Klemarczyk, Thaddeus
Lovejoy, Marian
Noyes, Richard
Putnam, Ed, II
Schanda, Joseph, Sr.
Stritch, C. Donald
Warburton, Calvin
Woods, Deborah

Arndt, Janet
Boucher, William
Christie, Andrew, Jr.
Drake, Herbert
Flanagan, Natalie
Hazelton, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Senter, Merilyn
Syracusa, Anthony
Welch, David
Yennaco, Carol

Battles, Marjorie
Bove, Martin
Conroy, Janet
Dube, LeRoy
Flanders, David
Johnson, Robert
Kruse, Fred
McKinney, Betsy
Pratt, Katharin
Ritzo, Eugene
Skinner, Patricia
Sytek, Donna
Weyler, Kenneth

Beaulieu, Jon
Case, Margaret
Cote, Patricia
Felch, Charles, Sr.
Gage, Beverly
Katsakiores, George
Lee, Rebecca
Miller, Don
Pullman, Robert
Rubin, George
Stone, Joseph
Sytek, John
Williamson, William

STRAFFORD

Brown, Julie
McKinley, Robert
Spear, Barbara

Callaghan, Frank
Nehring, William
Torr, Ann

Douglass, Clyde
Pageotte, Donald
Wall, Janet

Dunlap, Patricia
Pelletier, Marsha
Wasson, Richard

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene
Schothanus, Merle

Lindblade, Eric

Peyron, Fredrik

and the motion failed.
Report adopted.

HB 1377, requiring an optometrist or ophthalmologist to release prescriptions for replacement eyeglasses and contacts to patients upon request. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: This bill provides that the providers shall not be responsible for servicing replacement eyeglasses and contact lenses they did not prescribe. Vote 13-3.

Amendment (5429B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring an optometrist or ophthalmologist to release prescriptions for replacement contact lenses, and setting certain fees for certain out-of-state business registration and renewal.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327 by inserting after section 25 the following new section:

327:25-a Contact Lens Prescriptions to be Provided to Patient.

I. After contact lenses have been adequately fitted and the patient released from immediate follow-up care by an optometrist registered under this chapter or an ophthalmologist registered under RSA 329, the prescribing optometrist or ophthalmologist shall provide to the patient a prescription in writing for replacement contact lenses.

II. Optometrists and ophthalmologists shall not be required to service contact lenses that they did not dispense.

III. An optometrist or ophthalmologist may refuse to give the patient a copy of the patient's contact lens prescription until the patient has paid for the eye examination, but only if that optometrist or ophthalmologist would have required immediate payment from that patient had the examination revealed that no ophthalmic goods were required.

IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail of contact lenses to individuals within the state unless such business is registered with a permit issued by the board of pharmacy if the out-of-state business is a pharmacy, or by the board of registration in optometry if the out-of-state business is not a pharmacy.

(b) The board of pharmacy or the board of registration in optometry shall issue a permit to such out-of-state business if the business discloses and provides proof:

(1) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(2) Of the operating locations and the names and titles of all principal corporate officers;

(3) That the business complies with all lawful directions and requests for information from the board of pharmacy and the board of registration in optometry of all states in which it conducts business; and

(4) That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of contact lenses.

(c) The board of pharmacy or the board of registration in optometry shall assess the following registration fees for out-of-state contact lens sale companies:

(1) \$300 for the initial registration.

(2) \$150 for an annual registration renewal.

V. For purposes of this section, "prescription for contact lenses" means a dated and signed written direction specifying that it is for contact lenses and which shall include at least the power, size, curvature, color and material composition of the contact lenses. Other parameters or instructions, including but not limited to lens manufacturer, prescription expiration date, number of permitted refills, and a statement prohibiting substitutions may be included at the prescriber's professional discretion and shall be honored by the person who fills the prescription. Unless otherwise specified by the prescriber for health reasons, a contact lens prescription shall expire one year from the date of issue.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires licensed optometrists and ophthalmologists to release prescriptions for contact lenses to patients in writing, and provides that optometrists and ophthalmologists shall not be responsible for servicing contact lenses that they did not prescribe.

It also sets forth criteria for registration of out-of-state contact lens providers and establishes fees for such business registration and renewal.

Adopted.

Report adopted and ordered to third reading.

HB 1396, limiting the use of information compiled by consumer reporting agencies. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill, as amended, sets the criteria in which consumer credit bureaus sell lists to credit card companies and allow consumers to have their names removed from these lists by calling an 800 number. Vote 13-1.

Amendment (5519B)

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraphs; Consumer Credit Reporting; Definitions Added. Amend RSA 359-B:3 by inserting after paragraph IX the following new paragraphs:

X. "Firm offer of credit" means any offer of credit to a consumer which will be honored if, based on information in a consumer report on the consumer and other information bearing on the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select the consumer for the offer.

XI. "Pre-screening" means a process by which a consumer reporting agency compiles or edits for a client a list of consumers who meet specific criteria and provides this list to the client or third party on behalf of the client for the purpose of making a firm offer of credit.

XII. "Direct solicitation" means the process by which the consumer reporting agency compiles or edits for a client a list of consumers who meet specific criteria and provides this list to the client or a third party on behalf of the client for use in soliciting those consumers for an offer of a product or service.

2 New Paragraph; Use of Credit Reports. Amend RSA 359-B:4 by inserting after paragraph I the following new paragraph:

I-a.(a) A consumer reporting agency may furnish information for the purposes of a transaction under paragraph I(c)(1) and (5) of this section when the transaction is not initiated by the consumer only if:

(1) The consumer authorized the consumer reporting agency to furnish the information; or

(2) The transaction involves a firm offer of credit to the consumer or is a pre-screening or direct solicitation transaction; and

(i) the consumer reporting agency has complied with RSA 359-B:4-a;

(ii) the consumer has not elected in accordance with RSA 359-B:4-a to have information about the consumer excluded from such transactions; and

(iii) the agency only provides the name and address of the consumer.

(b) Notwithstanding subparagraph (a), a consumer reporting agency may, in the case of a credit transaction initiated by the consumer, use such information in reviewing or collecting an account of the consumer.

(c) An election of a consumer under RSA 359-B:4-a shall terminate and be of no force or effect following notice from the consumer to the consumer reporting agency, through the procedure established pursuant to RSA 359-B:4-a, that the election is no longer effective.

3 New Section; Lists. Amend RSA 359-B by inserting after section 4 the following new section:

359-B:4-a Election To Be Excluded From Certain Lists.

I. A consumer may elect to have information about him excluded from such consumer transaction under RSA 359-B:4 I(c)(1) and (5), including any list provided by a consumer reporting agency through pre-screening or direct solicitation transactions that are not initiated by the consumer, by notifying the consumer reporting agency by telephone or in writing.

II. An election of a consumer under paragraph I of this section shall be effective with respect to a consumer reporting agency and any affiliate of the agency within 5 business days after the agency is notified.

III. Each consumer reporting agency shall establish and maintain a notification system, including a toll-free telephone number, which permits any consumer, with appropriate identification and for whom the agency has a file, to notify the agency of the consumer's election under paragraph I. A consumer reporting agency that maintains consumer reports on a nationwide basis shall establish such a notification system on a nation-wide basis and may operate such a system jointly with any other consumer reporting agencies. Compliance with the requirements of this section by any consumer reporting agency shall constitute compliance by the agency's affiliates.

IV. Any person who uses a consumer report in connection with any transaction under RSA 359-B:4 I(c)(1) or (5) shall provide the consumer with the following statement displayed in a conspicuous format and location:

If you wish to be removed from our and other marketing lists and not receive offers and information, please call 1-800-xxx-xxxx or write (insert address) and include your full name and address.

4 Effective Date. This act shall take effect January 1, 1995.

Adopted.

Report adopted and ordered to third reading.

HB 1456, relative to mental health care service providers. OUGHT TO PASS

Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs: This bill allows health maintenance organizations and nonprofit insurance companies to retain their power to establish the standards, criteria, and level of payment for mental health care providers they recognize for reimbursement. Any mental health care provider who meets these criteria and is willing to accept the established level of payment shall receive reimbursement. The unique relationship between a therapist and a patient as well as greater choice for patients was an important consideration. Vote 10-8.

Rep. Hunt moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass.

Reps. Neman, Robert Wheeler and Hunt spoke in favor.

Reps. Katherine Wheeler, Manning, Crory and Guay spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 108 - NAYS 233

YEAS 108

BELKNAP

Bartlett, Gordon	Holbrook, Robert	Johnson, Carl	Turner, Robert
Young, Niel			

CARROLL

Allard, Nanci	Cogswell, Richard	Foster, Robert	Mock, Henry
Wiggin, Gordon			

CHESHIRE

Hunt, John	Pearson, Gertrude
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COOS

Coulombe, Henry	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
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GRAFTON

Bean, Pamela	Chase, Paul, Jr.	Eaton, Stephanie	Ham, Bonnie
Hill, Richard	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas, Jr.	Bagley, Amy	Bergeron, Lucien
Bergeron, Normand	Calawa, Leon, Jr.	Cowenhoven, Garret	Daniels, Gary
Dodge, Emma	Drolet, Paul	Fenton, James	Ferguson, Charles
Foster, Linda	Franks, Suzan	Gervais, Glen	Holden, Carol
Holley, Sylvia	Holt, David	Holt, Mark	Jasper, Shawn
Kelley, Dana	Kelley, Robert	Kurk, Neal	Lefebvre, Roland
Martin, Mary Ellen	Mercer, Robert	Milligan, Robert	Mittelman, David
Murphy, Robert	Packard, Bonnie	Paquette, Rodolphe	Pepino, Leo
Record, Alice	Rodgers, G. Philip	Rothhaus, Finlay	Sallada, Roland
Sullens, Joan	Wells, Peter, Sr.	Wheeler, Robert	

MERRIMACK

Johnson, C. William	Kennedy, Richard	Kidder, William	Lockwood, Robert
Mitchell, Vernon	Nichols, Avis	Owen, Derek	Ward, Jay
Whittemore, James	Willis, Jack		

ROCKINGHAM

Battles, Marjorie	Beaulieu, Jon	Campbell, Marilyn	Chester, Sherman
Conroy, Janet	Cote, Charles	Crossman, Harold, Jr.	Dowd, Sandra
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Hazelton, Robert	Hutchinson, Karen	Johnson, Robert	Klemm, Arthur, Jr.
Lee, Rebecca	McKinney, Betsy	Newman, Rick	Putnam, Ed, II
Rubin, George	Schanda, Joseph, Sr.	Stone, Joseph	Sytek, Donna
Sytek, John	Welch, David	Yennaco, Carol	

STRAFFORD

Callaghan, Frank	Hilliard, Dana	Knowles, William	Spear, Barbara
Torr, Ann	Torr, Franklin		

SULLIVAN

Flint, Gordon	Lindblade, Eric	Rodeschin, Beverly
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NAYS 233**BELKNAP**

Cain, Thomas
Hauck, William
Rice, Thomas, Jr.
Ziegler, Alice

Campbell, Richard, Jr.
Hawkins, Robert
Rosen, Ralph

Dewhirst, Glenn
Laflam, Robert
Salatiello, Thomas

Golden, Paul
Lawton, David
Smith, Linda

CARROLL

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Philbrick, Donald

Chandler, Gene
Saunders, Howard

Dickinson, Howard, Jr.

CHESHIRE

Bonneau, Sarah
Foster, Katherine
McGuirk, Paul
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Smith, Edwin

Champagne, Richard
Lynch, Margaret
Metzger, Katherine
Robertson, Timothy
Young, David

Delano, Robert
Manning, Joseph
Perry, David
Royce, H. Charles

COOS

Bradley, Paula
Hawkinson, Marie

Foss, Frederic
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

Harwell, Tyler

GRAFTON

Adams, Carl
Copenhaver, Marion
McIlwaine, Deborah
Telfa, Richard

Below, Clifton
Corry, Elizabeth
Nordgren, Sharon

Brown, Alson
Guest, Robert
Rose, William

Brown, Patricia
Larson, Nils, Jr.
Scanlan, David

HILLSBOROUGH

Ahern, Richard
Borsa, Andrew
Chabot, Robert
Daigle, Robert
Dykstra, Leona
Haettenschwiller, Alphonse
Healy, Daniel
Kirby, Thomas
Leclerc, Charles
McCarty, Winston
Moore, Elizabeth
O'Hearn, Jane
Plourde, Alphonse
Searles, Stanley, Sr.
Tate, Joan
Weergang, Alida

Amidon, Eleanor
Buckley, Raymond
Clemons, Jane
Drabinowicz, A. Theresa
Gage, Ruth
Hall, Betty
Hunter, Bruce
L'Heureux, Robert
Lessard, Rudy
McRae, Karen
Morello, Michael
Perkins, Paul
Reidy, Frank
Smart, John
Toomey, Kathryn
White, John

Arnold, Barbara
Burke, M. Virginia
Cote, David
Durham, Susan
Gagnon, Eugene
Hanselman, Gregory
Jean, Loren
Lachut, Ervin
Lown, Elizabeth
Messier, Irene
Morrissette, Roland
Peters, Stanley
Rheault, Lillian
Smith, Leonard
Turgeon, Roland
Wright, George

Asselin, Robert
Cepaitis, Elizabeth
Crotty, Edward
Dyer, Merton
Gosselin, Gerald
Hart, Nick
Johnson, Lionel
Laughlin, J. Francis
Lozeau, Donnalee
Moncrief, Keith
Nardi, Theodora
Philbrook, Paula
Riley, Frances
Soucy, Donna
Upton, Barbara

MERRIMACK

Barberia, Richard
Coughlin, Anne
Fillion, Paul
Hess, David
Newland, Matthew
Stapleton, Henry
Weeks, John, Jr.

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Holmes, Mary
Regan, Maurice
Teague, Bert
Whalley, Michael

Chandler, Earle
Dunn, Miriam
Gilbreth, Robert
Houlahan, Thomas
Rogers, Katherine
Trombly, Rick
Yeaton, Charles

Chandler, John
Feuerstein, Martin
Hall, Douglas
Moore, Carol
Shaw, Randall
Wallner, Mary Jane

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Christie, Andrew, Jr.

Arndt, Janet
Buco, Stephen
Clark, Martha

Bell, Juanita
Case, Margaret
Clark, Vivian

Boucher, William
Caswell, Albert, Jr.
Coos, Betsy

Cote, Patricia	DiPietro, Carmela	Dowling, Patricia	Drake, Herbert
Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert	Gorman, Donald
Groves, Bonnie	Hemenway, Thomas	Hurst, Sharleene	Kane, Cecelia
Katsakiores, George	Klemarczyk, Thaddeus	Kruse, Fred	Lovejoy, Marian
Malcolm, Kenneth	McGovern, Cynthia	Miller, Don	Noyes, Richard
O'Keefe, Patricia	Packard, Sherman	Pantelakos, Laura	Pratt, Katharin
Pullman, Robert	Raynowska, Bernard	Ritzo, Eugene	Rosencrantz, James
Senter, Merilyn	Skinner, Patricia	Smith, Arthur	Splaine, James
St. Martin, Tommy	Stritch, C. Donald	Syracusa, Anthony	Vaughn, Charles
Warburton, Calvin	Weyler, Kenneth	Williamson, William	Woods, Deborah

STRAFFORD

Brown, George	Brown, Julie	Chagnon, Ronald	Douglass, Clyde
Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia	Hashem, Elaine
Keans, Sandra	Loder, Suzanne	McCann, William, Jr.	McGrath, J. Gregory
McKinley, Robert	Merrill, Amanda	Nehring, William	Pageotte, Donald
Pelletier, Arthur	Pelletier, Marsha	Snyder, Clair	Sullivan, Henry
Wall, Janet	Wasson, Richard	Wheeler, Katherine	

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Domini, Irene	Holl, Ann	Kane, Joan	Peyron, Fredrik
Stamatakis, Carol			

and the substitute motion failed.

Report adopted and ordered to third reading.

Rep. Gordon wished to be recorded in opposition.

Rep. Teschner declared a conflict of interest and did not participate.

HB 1466, including advanced registered nurse practitioners in insurance policies for certain conditions. **OUGHT TO PASS**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill includes psychiatric mental health advanced registered nurse practitioners under insurance policies for reimbursement for expenses arising from the treatment of mental illnesses for emotional disorders. Vote 13-2.

Adopted and ordered to third reading.

HB 1500-FN, defining retail level distributors and requiring the registration of pharmacies operating outside of the state that sell to individuals within the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill defines "out-of-state pharmacy" and requires that they be registered by the board of pharmacy if they are selling medicine in the state. Vote 15-1.

Amendment (5259B)

Amend the title of the bill by replacing it with the following:

AN ACT

defining "out-of-state pharmacy" and requiring the registration of such pharmacies that sell to individuals within the state.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; "Out-of-State Pharmacy" Defined. Amend RSA 318:1 by inserting after paragraph IX the following new paragraph:

IX-a. "Out-of-state pharmacy" means a pharmacy located outside of this state, the product of which is distributed at retail to individuals within this state.

Amended Subdivision Heading. Amend the subdivision heading preceding RSA 318:37 to read as follows:

Licensure or Registration of Pharmacies

2 New Paragraph; Licensure Required for Out-of-State Pharmacies. Amend RSA 318:37 to read as follows:

318:37 *License or Registration Required*[, When]; *Compliance*.

I. No person shall conduct or operate a pharmacy *within the state* for the sale at retail of drugs and medicines unless such pharmacy is [registered] *licensed* with[,] and a permit [therefor] has been issued by[,] the pharmacy board, except as provided in this chapter.

II.(a) No person shall conduct or operate an out-of-state pharmacy for the sale at retail of drugs and medicines to individuals within the state unless such pharmacy is registered with and a permit has been issued by the board of pharmacy.

(b) The board of pharmacy shall issue a permit to such out-of-state pharmacy if the pharmacy discloses and provides the location, names, and titles of all principal corporate officers and all pharmacists who are dispensing drugs to residents of this state, and proof that;

(1) The pharmacy is licensed and in good standing in the state in which such pharmacy is located. The pharmacy shall submit a copy of the most recent inspection report pursuant to any inspection conducted by the regulatory or licensing body of the state in which such pharmacy is located, provided that the board of pharmacy may, at its option, perform its own inspection.

(2) It complies with all lawful directions and requests for information from the board of pharmacy of all states in which it is licensed or registered, except that it shall respond directly to all communications from the board concerning emergency circumstances arising from the dispensing of drugs to residents of this state.

(3) It maintains its records of drugs dispensed to residents of this state so that the records are readily retrievable from the records of other drugs dispensed.

(4) It cooperates with the board in providing information to the board of pharmacy of the state in which it is licensed concerning matters related to the dispensing of drugs to residents of this state.

(5) During its regular hours of operation, but not less than 6 days per week, for a minimum of 40 hours per week, a toll-free telephone service is provided to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patients' records. The toll-free number shall be disclosed on the label affixed to each container of drugs dispensed to residents of this state.

(c) The board of pharmacy shall provide registration forms to such out-of-state pharmacies.

(d) The board of pharmacy shall assess the following fees for out-of-state pharmacy registrations:

(1) \$300 for initial registration.

(2) \$150 for annual registration renewal.

(e) All persons registered under this paragraph shall comply with federal requirements for the purpose of assuring and, if necessary, the board of pharmacy's inspecting to assure, that the products distributed by these registrants meet the same standards as those required for in-state distribution.

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill defines "out-of-state pharmacy," and requires that they be registered by the board of pharmacy. It also sets forth additional criteria which shall be met by such pharmacies.

Adopted.

Report adopted and ordered to third reading.

HB 1559, prohibiting smoking in all indoor public places and workplaces, with certain exceptions. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John B. Hunt for the Majority of Commerce, Small Business and Consumer Affairs: The amendment replaces the entire bill with a compromise that requires any new building that begins construction after March 1, 1995, must have walls and a different ventilation to ensure smoke does not intrude into the nonsmoking areas. Vote 10-7.

Reps. Peter F. Wells, Lawrence Guay, Richard L. Hill, and Beverly A. Gage for the Minority of Commerce, Small Business and Consumer Affairs: This bill will further restrict smok-

ing in indoor public places and work places. It will increase the cost of doing business in New Hampshire for small business and the tourist industry. Social changes are presently occurring that are offering significant choices to workers and customers of businesses. Vote 10-7.

Rep. Wells moved that the words Inexpedient to Legislate be substituted for the report of the Committee Ought to Pass with Amendment, and spoke in favor.

Rep. Loder spoke against and yielded to questions.

Rep. David Holt spoke in favor.

Roll call request not sufficiently seconded.

On a division vote, 114 members having voted in the affirmative and 217 in the negative, the motion failed.

Rep. Gordon wished to be recorded in opposition to the substitute motion.

Amendment (5565B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to smoking in indoor public places.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Changed. Amend RSA 155:65, V to read as follows:

V.(a) *For buildings constructed prior to March 1, 1995*, "effectively segregated" means the following conditions have been met:

[(a)](1) Procedures for accurately and fairly determining preference have been followed;

[(b)](2) The size and location of no-smoking and smoking-permitted areas are designed, designated, or juxtaposed so that smoke does not cause harm or unreasonably intrude into the area occupied by persons who are not smoking;

[(c)](3) A contiguous portion of the enclosed public place, including any seating arrangements, measures a minimum of 200 square feet, and at least one of the following 2 contingencies exist:

[(1)](A) There is a continuous, physical barrier such as a wall, partition or furnishing at least 56 inches in height to separate the no-smoking area from a smoking-permitted area. The barrier may contain doors or portals for exit and entry; or

[(2)](B) There is a space of at least 4 feet in width to separate the smoking-permitted and no-smoking areas. This space may be either an unoccupied area or a section of seating area representing a buffer zone in which smoking is not permitted, but which itself is not part of the no-smoking designated area; and

[(d)](4) In buildings where existing ventilation systems are in place, areas designated as smoking areas are located, where reasonably possible, proximate to exhaust vents.

(b) *For any building, the construction of which is begun on or after March 1, 1995*, "effectively segregated" means there is a continuous, physical barrier from floor to ceiling such as a wall or partition with *either* separate ventilation systems for the no-smoking area and the smoking-permitted area *or a direct exhaust system servicing the smoking area*. The barrier may contain doors for exit and entry and the air pressure in the smoking area shall be kept negative with respect to the no-smoking area.

2 Effective Date. This act shall take effect March 1, 1995.

AMENDED ANALYSIS

This bill prohibits smoking in all indoor public places and workplaces constructed after March 1, 1995, unless there is a separate room with either a separate ventilation system or a direct exhaust system servicing the smoking area.

Adopted.

Substituted report adopted and ordered to third reading.

HB 1155, establishing a committee to study the economic feasibility of the sale of state signs and other related state items. WITHOUT RECOMMENDATION

Rep. Peyron moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Without Recommendation.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (5155B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the economic feasibility of the
sale of state signs, special state license plates,
and other related state items.

Amend the bill by replacing section 1 with the following:

1 Committee Established to Study Sale of State Items. A committee is established to study the economic feasibility of and the revenue potential involved in the sale by the state of New Hampshire of state signs, special state license plates, and other related state items.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. The committee shall have the authority to study all aspects of the sale by the state of New Hampshire of state signs, special state license plates with different design features, and other related state items. The study shall include, but shall not be limited to:

- (a) Determining which agency shall be in charge of the sales program.
- (b) How the revenue from the sales shall be used.
- (c) What items shall be offered for sale.

AMENDED ANALYSIS

This bill establishes a committee to study the economic feasibility and the revenue potential involved in the sale by the state of New Hampshire of state signs, special state license plates with different design features, and other related state items.

The committee must file its report, together with any proposed legislation, no later than November 1, 1994.

Adopted.

Report adopted and ordered to third reading.

HB 1433, establishing a committee to review and make recommendations regarding health education in public schools. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzan L. R. Franks for Education: This bill establishes a committee to review and make recommendations to the State Board of Education regarding health education in public schools. Vote 11-0.

Amendment (5414B)

Amend RSA 186:67-a, I and II as inserted by section 1 of the bill by replacing them with the following:

I. A committee is established to review state education policy relative to health education in public school grades K-12, and make recommendations to ensure awareness of the nationwide initiatives and current research. The board of education shall encourage the implementation of health education policy as described in RSA 186:11, IX and IX-a and give consideration to the committee's recommendations.

II. The committee shall consist of the following members:

- (a) One member of the house of representatives, appointed by the speaker of the house.
- (b) One member of the senate, appointed by the senate president.
- (c) One member of the state board of education, appointed by the board chairperson.
- (d) One member who represents the department of education, appointed by the commissioner of education.
- (e) Two members who represent the division of public health services, department of health and human services, appointed by the commissioner of health and human services.
- (f) One member who shall be employed at least 1/2 time as a public school nurse, appointed by the New Hampshire School Nurses Association.
- (g) One member who shall be employed as a nurse other than as a public school nurse, appointed by the New Hampshire Nurses Association.
- (h) One member who shall be employed at least 1/2 time as a public school health educator, appointed by the New Hampshire Association for Health, Physical Education, Recreation and Dance.

(i) One member who shall be school principal, appointed by the New Hampshire School Administrators Association.

(j) One member who is a public school teacher not teaching a health-related subject, appointed by the New Hampshire chapter of the National Education Association.

(k) Two members who are public high school students, appointed by the New Hampshire Association of Student Councils.

(l) One public member, appointed by the governor.

(m) One member who is a member of the New Hampshire Medical Society, appointed by the society.

Amend RSA 186:67-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A quorum shall consist of 8 members.

Adopted.

Report adopted and ordered to third reading.

HB 1528, establishing a safe school zone and relative to school violence. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Williamson for Education: HB 1528 addresses the problem of violence within the school environment by defining school property and locations used for school sponsored functions as safe zones wherein possession of a controlled substance, weapons and acts of violence are prohibited. Considerable attention was given to assuring that the provisions of this bill will not be in conflict with existing statutes in the areas of criminal justice and juvenile justice through input from other House policy committees and from the Attorney General's office. As the bill was originally presented to the committee, all firearms were prohibited from safe school zones. After much discussion relating to the concerns expressed by persons who are properly permitted to carry concealed weapons, it was determined that there are legitimate reasons to allow firearms within a safe school zone and these have been addressed in the bill with the understanding that additional reasons could be addressed by the local school superintendent on a case by case basis under the authority to authorize specific activities allowed within safe school zones. The committee felt this was a reasonable solution to this sensitive issue. Vote 15-1.

Amendment (5496B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Board's Rulemaking Authority Added. Amend RSA 21-N:9, II by inserting after subparagraph (w) the following new subparagraph:

(x) Safe school zones, as provided in RSA 193-D:2.

2 New Subdivision; Possession of a Dangerous Weapon in a Safe School Zone. Amend RSA 159 by inserting after section 24 the following new subdivision:

Possession of Firearm or Dangerous Weapon in a Safe School Zone

159:25 Possession of Firearms or Other Dangerous Weapons in a Safe School Zone.

I. A person shall be guilty of possession of a firearm or dangerous weapon in a safe school zone if such person knowingly possesses a firearm or dangerous weapon in a safe school zone without a legitimate purpose.

II. As used in this section:

(a) "Firearm" means a pistol, revolver, or other firearm whether or not there is ammunition within the weapon.

(b) "Dangerous weapon" means any knife with a blade longer than 2-1/2 inches, switch knife, stiletto, dagger, dirk knife, blackjack, metallic knuckles, slungshot, mace-like weapon, billies, or martial arts weapon as defined in RSA 159:24, I.

(c) "Safe school zone" means "safe school zone" as defined in RSA 193-D:1, II.

(d) "School property" means "school property" as defined in RSA 193-D:1, V.

(e) "Legitimate purpose" means any activity authorized by the superintendent of schools or designee, any activity permitted by school policy, possession of a hunting rifle or shotgun by a person who has a valid New Hampshire hunting license and who travels to or from the school property for the purpose of delivering or picking up persons or property during hunting season, or possession of a firearm by a school employee, excluding pupils, or a par-

ent of a pupil in attendance in the local school district and who possesses a valid New Hampshire permit to carry a concealed weapon. It is not a legitimate purpose that a person fears for one's own or some other person's safety.

(f) "Mace-like weapon" means a heavy, often spiked staff or club.

III. This section shall not apply to marshals, sheriffs, police officers, or other duly appointed peace or law enforcement officers whether state, county, local, or federal, or bailiffs and court officers responsible for court security, nor to members of the armed services of the United States when on duty, nor to the national guard when on duty, nor to duly authorized military or civil organizations when parading or members thereof when assembling for a parade or dispersing after a parade.

IV. Any person violating this section shall be guilty of a class A misdemeanor, unless such person possesses a loaded pistol or revolver as defined in RSA 159:4, in which case such person shall be guilty of a class B felony.

3 Change "Dismissal" to "Expulsion." Amend RSA 193:13 to read as follows:

193:13 Suspension and [Dismissal] *Expulsion* of Pupils. The superintendent, or [his] *a* representative [as] designated in writing, is authorized to suspend pupils from school for gross misconduct, providing that where there is a suspension lasting beyond 5 school days, the parent or guardian has the right to appeal any such suspension to the local board. Any suspension to continue beyond 20 school days must be approved by the local board. Any pupil may be [dismissed] *expelled* from school by the local school board for gross misconduct or for neglect or refusal to conform to the *code of conduct authorized under RSA 193-D or any other* reasonable rules of the school and [said] *the* pupil shall not attend school until restored by the local board. Any [dismissal must] *expulsion shall* be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such [dismissal] *expulsion* by the local board to the state board of education.

4 New Chapter; Safe School Zones. Amend RSA 193 by inserting after chapter 193-C the following new chapter:

CHAPTER 193-D SAFE SCHOOL ZONES

193-D:1 Definitions. In this chapter:

I. "Act of theft, destruction, or violence" means:

(a) Any assault or attempted assault under RSA 631.

(b) Any sexual assault under RSA 632-A.

(c) Criminal mischief or arson under RSA 634.

(d) Possession of a firearm or other dangerous weapon under RSA 159.

(e) Theft under RSA 637.

(f) Robbery under RSA 636.

(g) Illegal sale or possession of a controlled drug under RSA 318-B.

(h) Any fight or assault by mutual consent where any bodily injury, however slight, is sustained by any participant or school employee.

II. "Safe school zone" means an area inclusive of any school property or property used by a school for school purposes or school buses.

III. "School" means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire.

IV. "School employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing or performing contract services for any public or private school, school district, school department, or school administrative unit.

V. "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

VI. "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities at any facility or location, but not including field trips or events held at a location other than school property which are simultaneously open to the public.

193-D:2 State Board Rulemaking Authority; Public School District Policies; Model Code of Conduct.

I. The state board of education shall adopt rules, under RSA 541-A, relative to a model code of conduct for public school pupils and public school employees.

II. Such rules shall include policies for:

- (a) Disciplinary proceedings, including procedures assuring due process.
- (b) Standards and procedures for suspension and expulsion of pupils.
- (c) Procedures pertaining to discipline of pupils with special needs.
- (d) Standards and procedures to assure school building security and safety of pupils and school employees.

(e) The disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of others' civil rights.

(f) Procedures for reporting acts of theft, destruction, or violence under RSA 193-D:5.

193-D:3 Codes of Conduct; Approval; Adoption.

I. Each local school board shall adopt and make available a code of conduct for pupils and school personnel. Such code of conduct shall be no less restrictive than the model code of conduct developed by the state board of education under RSA 193-D:2.

II. Local codes of conduct shall be filed with the state board of education and shall be updated and refiled at least every 2 years.

193-D:4 Criminal Penalties. Any person convicted of any offense committed in a safe school zone at any time of year shall be subject to an extended term of imprisonment as provided in RSA 651:6.

193-D:5 Written Report Required.

I. Any public or private school employee who becomes aware of an act of theft, destruction, or violence in a safe school zone shall report such act in writing to an immediate supervisor. A supervisor receiving such report shall immediately forward it to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the employee and filed with the local law enforcement authority within 24 hours for controlled drug crimes and crimes against a person, and within 5 calendar days for property crimes.

II. The report required under paragraph I shall include:

- (a) The name and home address, if known, of any person suspected of committing an act of theft, destruction, or violence in a safe school zone.
- (b) The name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
- (c) A summary of events, as available.
- (d) Any other pertinent information.

193-D:6 Waiver of Written Report Requirement. The written report required under RSA 193-D:5 shall be waived when school authorities initiate a police response to or are aware of a police investigation of any such incident which, in fact, results in a written police report.

193-D:7 Penalties. Any person who fails to comply with the reporting requirements under RSA 193-D:5, unless such report is waived under RSA 193-D:6, shall be guilty of a violation.

193-D:8 Confidentiality. Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any school administrator to exchange information regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to criminal conduct, suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

193-D:9 Weapons Offense; Penalty. Any person convicted of an offense under RSA 159:25 committed in a safe school zone shall be guilty of an offense as provided in RSA 159:25, IV.

193-D:10 Transfer Records; Notice. A pupil transferring into a local system shall request that a copy of the pupil's complete school record from the previous school be forwarded directly to the new school system. All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of a parent, pupil, or former pupil, furnish a complete school record for a pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or criminal acts or any incident reports in which the pupil was charged with any act which resulted in a suspension or expulsion.

5 New Subparagraph; Extended Term of Imprisonment; Crime Committed in Safe School Zone. Amend RSA 651:6, I(i) to read as follows:

(i) He was an on-duty law enforcement officer at the time that he committed or attempted to commit any of the crimes defined in RSA 631[.]; *or*

(j) *He has committed a crime in a safe school zone under RSA 193-D.*

6 Effective Date.

I. Sections 1, 3 and RSA 193-D:2 as inserted by section 4 of this act shall take effect upon its passage.

II. Sections 2, 5 and RSA 193-D:4 as inserted by section 4 of this act shall take effect September 1, 1994.

III. RSA 193-D:3 as inserted by section 4 of this act shall take effect July 1, 1995.

IV. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill inserts a chapter relative to safe school zones which addresses and defines acts of theft, destruction, or violence, including possession of a weapon.

In public schools, adoption and availability of a code of conduct for both pupils and school employees are required. In both public and private schools, notice regarding transferring pupils found in violation of this chapter is required.

A penalty provision provides for penalties up to twice those otherwise authorized under the laws of this state.

Public and private school personnel are required to report any incident involving acts of theft, destruction, or violence.

Reps. Williamson and Hutchinson spoke in favor.

Adopted.

Rep. Houlahan wished to be recorded in opposition to the Committee amendment.

Reps. Welch and Donna Sytek offered a floor amendment.

Floor Amendment (5591B)

Amend RSA 159:25, II(e) as inserted by section 2 of the bill by replacing it with the following:

(e) "Legitimate purpose" means any activity authorized by the superintendent of schools or designee; any activity permitted by school policy; possession of a hunting rifle or shotgun by a person who has a valid New Hampshire hunting license and who travels to or from the school property for the purpose of delivering or picking up persons or property during hunting season; or possession of a firearm by any person, excluding pupils, who is 18 years of age or older and who possesses a valid New Hampshire permit to carry a pistol or revolver. It is not a legitimate purpose that a person fears for one's own or some other person's safety.

Reps. Welch and Donna Sytek spoke in favor and yielded to questions.

Rep. Larson spoke against.

Roll call request sufficiently seconded. The question being the adoption of the floor amendment.

YEAS 182 NAYS 151

YEAS 182

BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Smith, Linda

Cain, Thomas
Hauck, William
Lawton, David
Turner, Robert

Campbell, Richard, Jr.
Hawkins, Robert
Rice, Thomas, Jr.
Ziegler, Alice

Dewhirst, Glenn
Holbrook, Robert
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Saunders, Howard

Beach, Mildred
Dickinson, Howard, Jr.
Wiggin, Gordon

Bradley, Jeb
Foster, Robert

Chandler, Gene
Lyman, L. Randy

CHESHIRE

Delano, Robert
Perry, David

Hunt, John
Royce, H. Charles

McGuirk, Paul
Smith, Edwin

McNamara, Wanda
Young, David

COOS

Coulombe, Henry
Merrill, Gerald

Foss, Frederic
Pratt, Leighton

Harwell, Tyler

Horton, Lynn

GRAFTON

Adams, Carl
Eaton, Stephanie
Rose, William

Below, Clifton
Gordon, Edward
Scanlan, David

Brown, Alson
Ham, Bonnie

Chase, Paul, Jr.
Hill, Richard

HILLSBOROUGH

Andrews, Frederick
Bergeron, Lucien
Crotty, Edward
Dyer, Merton
Healy, Daniel
Jasper, Shawn
Kurk, Neal
Martin, Mary Ellen
Mittelman, David
Pepino, Leo
Riley, Frances
Smart, John
Wheeler, Robert

Arnold, Barbara
Borsa, Andrew
Daniels, Gary
Fenton, James
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
McRae, Karen
Moncrief, Keith
Perkins, Paul
Rodgers, G. Philip
Toomey, Kathryn
Wright, George

Arnold, Thomas, Jr.
Burke, M. Virginia
Dodge, Emma
Ferguson, Charles
Holt, David
Kelley, Dana
Lachut, Ervin
Mercer, Robert
Murphy, Robert
Philbrook, Paula
Rothaus, Finlay
Upton, Barbara

Bagley, Amy
Calawa, Leon, Jr.
Drolet, Paul
Hart, Nick
Hunter, Bruce
Kelley, Robert
Lozeau, DonnaLee
Milligan, Robert
Packard, Bonnie
Rheault, Lillian
Sallada, Roland
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Kennedy, Richard
Regan, Maurice
Whittemore, James

Hess, David
Kidder, William
Shaw, Randall
Willis, Jack

Holmes, Mary
Mitchell, Vernon
Stapleton, Henry

Houlahan, Thomas
Nichols, Avis
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Chester, Sherman
Cote, Charles
Dowling, Patricia
Flanagan, Natalie
Hazelton, Robert
Katsakiores, George
McKinney, Betsy
Pantelakos, Laura
Raynowska, Bernard
Senter, Marilyn
Syracusa, Anthony
Weyler, Kenneth

Arndt, Janet
Bove, Martin
Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert
Flanders, David
Hemenway, Thomas
Klemm, Arthur, Jr.
Miller, Don
Pratt, Katharin
Rosencrantz, James
Smith, Arthur
Sytek, Donna
Woods, Deborah

Battles, Marjorie
Buco, Stephen
Clark, Vivian
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Hurst, Sharleene
Lovejoy, Marian
Noyes, Richard
Pullman, Robert
Rubin, George
Stone, Joseph
Sytek, John
Yennaco, Carol

Beaulieu, Jon
Case, Margaret
Conroy, Janet
Dowd, Sandra
Fesh, Robert
Gorman, Donald
Johnson, Robert
Malcolm, Kenneth
Packard, Sherman
Putnam, Ed, II
Schanda, Joseph, Sr.
Stritch, C. Donald
Welch, David

STRAFFORD

Brown, George
McKinley, Robert
Wheeler, Katherine

Brown, Julie
Spear, Barbara

Douglass, Clyde
Torr, Ann

Hilliard, Dana
Torr, Franklin

SULLIVAN

Behrens, Thomas
Stamatakis, Carol

Lindblade, Eric

Peyron, Fredrik

Rodeschin, Beverly

**NAYS 151
BELKNAP**

Laflam, Robert

Salatiello, Thomas

CARROLL

Philbrick, Donald

CHESHIRE

Bonneau, Sarah
Manning, Joseph
Robertson, Timothy

Burnham, Daniel
Metzger, Katherine
Russell, Ronald

Kingsbury, H. Thayer
Pratt, Irene

Lynch, Margaret
Richardson, Barbara

COOS

Bradley, Paula

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

GRAFTON

Bean, Pamela
Guest, Robert
Teschner, Douglass

Brown, Patricia
Larson, Nils, Jr.
Trelfa, Richard

Copenhaver, Marion
McIlwaine, Deborah
Wadsworth, Karen

Crory, Elizabeth
Nordgren, Sharon
Ward, Kathleen

HILLSBOROUGH

Ahern, Richard
Buckley, Raymond
Cote, David
Durham, Susan
Gage, Ruth
Haettenschwiller, Alphonse
Holt, Mark
Lessard, Rudy
Moore, Elizabeth
Peters, Stanley
Searles, Stanley, Sr.
Tate, Joan

Amidon, Eleanor
Cepaitis, Elizabeth
Cowenhoven, Garret
Dykstra, Leona
Gagnon, Eugene
Hall, Betty
Johnson, Lionel
Lown, Elizabeth
Morello, Michael
Plourde, Alphonse
Smith, Leonard
Turgeon, Roland

Asselin, Robert
Chabot, Robert
Daigle, Robert
Foster, Linda
Gervais, Glen
Hanselman, Gregory
Kirby, Thomas
McCarty, Winston
Morrisette, Roland
Record, Alice
Soucy, Donna
Weergang, Alida

Bergeron, Normand
Clemons, Jane
Drabinowicz, A. Theresa
Franks, Suzan
Gosselin, Gerald
Holden, Carol
Laughlin, J. Francis
Messier, Irene
O'Hearn, Jane
Reidy, Frank
Sullens, Joan
White, John

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Lockwood, Robert
Rogers, Katherine
Ward, Jay

Chandler, Earle
Dunn, Miriam
Gilbreth, Robert
Moore, Carol
Teague, Bert
Weeks, John, Jr.

Chandler, John
Feuerstein, Martin
Hall, Douglas
Newland, Matthew
Trombly, Rick
Yeaton, Charles

Coughlin, Anne
Fillion, Paul
Johnson, C. William
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Groves, Bonnie
Kruise, Fred
O'Keefe, Patricia
St. Martin, Tommy

Campbell, Marilyn
Crossman, Harold, Jr.
Hutchinson, Karen
Lee, Rebecca
Ritzo, Eugene
Vaughn, Charles

Caswell, Albert, Jr.
Felch, Charles, Sr.
Kane, Cecelia
McGovern, Cynthia
Skinner, Patricia
Warburton, Calvin

Clark, Martha
Gage, Beverly
Klemarczyk, Thaddeus
Newman, Rick
Splaine, James
Williamson, William

STRAFFORD

Callaghan, Frank
Hashem, Elaine
McCann, William, Jr.
Pageotte, Donald
Snyder, Clair

Chagnon, Ronald
Keans, Sandra
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

Gilmore, Gary
Knowles, William
Merrill, Amanda
Pelletier, Marsha
Wall, Janet

Hambrick, Patricia
Loder, Suzanne
Nehring, William
Rogers, Rose Marie
Wasson, Richard

SULLIVAN

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Domini, Irene
Schotanus, Merle

Flint, Gordon

and the floor amendment was adopted.

Rep. Loren Jean moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke in favor.

Rep. Skinner spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 72 NAYS 264

YEAS 72 BELKNAP

None

CARROLL

Cogswell, Richard Dickinson, Howard, Jr. Wiggins, Gordon

CHESHIRE

Burnham, Daniel Kingsbury, H. Thayer McGuirk, Paul

COOS

Coulombe, Henry Harwell, Tyler Mears, Edgar Pratt, Leighton

GRAFTON

Crory, Elizabeth Gordon, Edward

HILLSBOROUGH

Arnold, Thomas, Jr.	Bergeron, Lucien	Borsa, Andrew	Buckley, Raymond
Calawa, Leon, Jr.	Clemons, Jane	Drolet, Paul	Fenton, James
Gosselin, Gerald	Holt, David	Holt, Mark	Hunter, Bruce
Jean, Loren	L'Heureux, Robert	Leclerc, Charles	Lefebvre, Roland
Lessard, Rudy	McRae, Karen	Milligan, Robert	Morello, Michael
Pepino, Leo	Perkins, Paul	Riley, Frances	Rothhaus, Finlay
Wells, Peter, Sr.			

MERRIMACK

Braiterman, Thea	Dunn, Miriam	Kennedy, Richard	Mitchell, Vernon
Regan, Maurice	Trombly, Rick		

ROCKINGHAM

Boucher, William	Christie, Andrew, Jr.	Clark, Vivian	Cote, Charles
Crossman, Harold, Jr.	Drake, Herbert	Felch, Charles, Sr.	Flanagan, Natalie
Gorman, Donald	Hazelton, Robert	Johnson, Robert	Rubin, George
Schanda, Joseph, Sr.	Senter, Merilyn	Splaine, James	Warburton, Calvin

STRAFFORD

Brown, Julie	Gilmore, Gary	Hashem, Elaine	Hilliard, Dana
Keans, Sandra	McCann, William, Jr.	McGrath, J. Gregory	Merrill, Amanda
Pageotte, Donald	Wall, Janet		

SULLIVAN

Domini, Irene	Lindblade, Eric	Stamatakis, Carol
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NAYS 264

BELKNAP

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hauck, William	Hawkins, Robert	Holbrook, Robert
Johnson, Carl	Laffam, Robert	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph	Salatiello, Thomas	Smith, Linda	Turner, Robert
Ziegra, Alice			

CARROLL

Allard, Nanci
Foster, Robert

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Philbrick, Donald

Chandler, Gene
Saunders, Howard

CHESHIRE

Bonneau, Sarah
Manning, Joseph
Pratt, Irene
Russell, Ronald

Delano, Robert
McNamara, Wanda
Richardson, Barbara
Smith, Edwin

Hunt, John
Metzger, Katherine
Robertson, Timothy
Young, David

Lynch, Margaret
Perry, David
Royce, H. Charles

COOS

Bradley, Paula
Mayhew, Josephine

Foss, Frederic
Merrill, Gerald

Hawkinson, Marie

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Guest, Robert
McIlwaine, Deborah
Teschner, Douglass

Bean, Pamela
Chase, Paul, Jr.
Ham, Bonnie
Nordgren, Sharon
Trelfa, Richard

Below, Clifton
Copenhaver, Marion
Hill, Richard
Rose, William
Wadsworth, Karen

Brown, Alson
Eaton, Stephanie
Larson, Nils, Jr.
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahern, Richard
Asselin, Robert
Cepaitis, Elizabeth
Crotty, Edward
Drabinowicz, A. Theresa
Ferguson, Charles
Gagnon, Eugene
Hanselman, Gregory
Holley, Sylvia
Kelley, Robert
Laughlin, J. Francis
McCarty, Winston
Moncrief, Keith
O'Hearn, Jane
Philbrook, Paula
Rheault, Lillian
Smart, John
Tate, Joan
Weergang, Alida

Amidon, Eleanor
Bagley, Amy
Chabot, Robert
Daigle, Robert
Durham, Susan
Foster, Linda
Gervais, Glen
Hart, Nick
Jasper, Shawn
Kirby, Thomas
Lown, Elizabeth
Mercer, Robert
Moore, Elizabeth
Packard, Bonnie
Plourde, Alphonse
Rodgers, G. Philip
Smith, Leonard
Toomey, Kathryn
Wheeler, Robert

Andrews, Frederick
Bergeron, Normand
Cote, David
Daniels, Gary
Dyer, Merton
Franks, Suzan
Haettenschwiller, Alphonse
Healy, Daniel
Johnson, Lionel
Kurk, Neal
Lozeau, Donnalee
Messier, Irene
Morrisette, Roland
Paquette, Rodolphe
Record, Alice
Sallada, Roland
Soucy, Donna
Turgeon, Roland
White, John

Arnold, Barbara
Burke, M. Virginia
Cowenhoven, Garret
Dodge, Emma
Dykstra, Leona
Gage, Ruth
Hall, Betty
Holden, Carol
Kelley, Dana
Lachut, Ervin
Martin, Mary Ellen
Mittelman, David
Murphy, Robert
Peters, Stanley
Reidy, Frank
Searles, Stanley, Sr.
Sullens, Joan
Upton, Barbara
Wright, George

MERRIMACK

Barberia, Richard
Daneault, Gabriel
Gilbreth, Robert
Houlahan, Thomas
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane
Whittemore, James

Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Johnson, C. William
Newland, Matthew
Shaw, Randall
Ward, Jay
Willis, Jack

Chandler, John
Fillion, Paul
Hess, David
Kidder, William
Nichols, Avis
Stapleton, Henry
Weeks, John, Jr.
Yeaton, Charles

Coughlin, Anne
French, Barbara
Holmes, Mary
Lockwood, Robert
Owen, Derek
Teague, Bert
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Case, Margaret
Coes, Betsy

Arndt, Janet
Bove, Martin
Caswell, Albert, Jr.
Conroy, Janet

Battles, Marjorie
Buco, Stephen
Chester, Sherman
Cote, Patricia

Beaulieu, Jon
Campbell, Marilyn
Clark, Martha
DiPietro, Carmela

Dowd, Sandra	Dowling, Patricia	Dube, LeRoy	Fesh, Robert
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Groves, Bonnie
Hemenway, Thomas	Hurst, Sharleene	Hutchinson, Karen	Kane, Cecelia
Katsakiores, George	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred
Lee, Rebecca	Lovejoy, Marian	Malcolm, Kenneth	McGovern, Cynthia
McKinney, Betsy	Miller, Don	Newman, Rick	Noyes, Richard
O'Keefe, Patricia	Packard, Sherman	Pantelakos, Laura	Pratt, Katharin
Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard	Ritzo, Eugene
Rosencrantz, James	Skinner, Patricia	Smith, Arthur	St. Martin, Tommy
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna
Sytek, John	Vaughn, Charles	Welch, David	Weyler, Kenneth
Williamson, William	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Douglass, Clyde
Hambrick, Patricia	Knowles, William	Loder, Suzanne	McKinley, Robert
Nehring, William	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Wasson, Richard	Wheeler, Katherine	

SULLIVAN

Behrens, Thomas	Burling, Peter	Cloutier, John	Flint, Gordon
Kane, Joan	Palmer, Lorraine	Peyron, Fredrik	Rodeschin, Beverly
Schotanus, Merle			

and the motion failed.

Report adopted and ordered to third reading.

HB 1189, establishing a study committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Environment and Agriculture: This bill creates a study committee to examine the issue of California car standards in New Hampshire. This study is timely and necessary as the Environmental Protection Agency is currently in the process of deciding if California standards should be adopted in the Northeast. The bill, as amended, also makes technical revisions to the emissions testing legislation passed in 1993. These technical revisions were requested by the administrator of the auto emissions testing program. Vote 13-2.

Amendment (5522B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to emissions testing and establishing a committee to examine the
Clean Air Act Amendments of 1990 and implementation of the Act.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-5 to read as 12-16, respectively:

1 Emissions Certificate; Unavailable Subject Vehicles. Amend the introductory paragraph of RSA 261:72-a, V to read as follows:

V. The commissioner shall adopt rules, after public hearing, for the reregistration of subject vehicles that are temporarily located out of state *or are otherwise unavailable* during the time period of required reregistration and which are scheduled for biennial emissions inspection. Such rules may, provided the emissions reductions expected from such vehicles under the emissions inspection program are not significantly compromised, allow for the following:

2 New Section; Ten-Day Emissions Registration. Amend RSA 261 by inserting after section 261:72-a the following new section:

261:72-b Ten-Day Emissions Registration. The owner of any vehicle that has had its registration suspended for violating emissions testing requirements under RSA 261:72-a may apply to the division for a one-time, in-transit registration for such vehicle for the purpose of

transporting the vehicle for emissions related testing, repairs and subsequent registration. Application shall be made on a form furnished by the division for such purposes and shall contain such information as the director may require. If satisfied that the vehicle is to be driven as provided in this section, the division, upon payment of a fee of \$10, shall assign to such vehicle a distinctive number and deliver to the applicant an in-transit registration valid for a 10-day period from the date of issuance, in such form as the director shall prescribe. The registration shall specify the terms and conditions under which the vehicle may be driven upon the ways of this state, and no such vehicle shall be operated in violation of such terms and conditions.

3 New Paragraph; Definition Added. Amend RSA 268:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Commercial design military vehicle" means a commercial design motor vehicle, such as a light truck, van or passenger vehicle, which is owned or leased and operated by the military on a federal installation, and which is used in tactical, tactical support, training, transportation, relief or any other such operations.

4 New Paragraphs; Definitions Added. Amend RSA 268:2 by inserting after paragraph XV the following new paragraphs:

XV-a. "Non-program area fleet" means 25 or more vehicles owned or operated by a single person, registered outside the program area and used in a business enterprise. In determining the number of vehicles which are owned or operated by a single person for purposes of this paragraph, all vehicles owned or operated, leased or otherwise controlled by such person, by any person who controls such person, by any person controlled by such person, and by any person under common control with such person shall be treated as owned by such person.

XV-b. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), limited liability company, partnership, association, state, municipality, commission, United States government or any agency thereof, or any interstate body.

5 New Paragraph; Definition Added. Amend RSA 268:2 by inserting after paragraph XX the following new paragraph:

XX-a. "Tactical military vehicle" means a motor vehicle designed to military specifications, such as a tank, a Humvee or an armored personnel carrier, which is used for combat, combat support, combat service support, direct transportation support of combat, tactical or relief operations or for training of personnel for such operations.

6 Subject Vehicles Added. Amend RSA 268:4, I to read as follows:

I. Each vehicle registered or to be registered in Hillsborough, Merrimack, Rockingham and Strafford counties, *each non-program area fleet vehicle primarily operated within the program area, and each commercial design military vehicle and federally registered vehicle operated on federal installations within the program area* is subject to the inspection and maintenance requirements of this chapter. Upon certification by the commissioner of environmental services that an additional county or counties need to be included in the program in order to comply with the Clean Air Act, the commissioner shall, after public hearing and consultation with the advisory committee, and upon approval of the governor, adopt rules to include such county or counties and associated registered vehicles within the coverage of this chapter. The same program requirements shall be instituted in the expanded program area as are in effect for the existing program area, except that, in Coos, Carroll, Grafton, Belknap, Cheshire and Sullivan counties, convenient public access as defined in RSA 268:7, I, shall mean that at least 80 percent of subject vehicles must be registered within a 15 mile radius of a station and 95 percent within a 30 mile radius of a station.

7 New Subparagraphs; Antique Motor Vehicle and Military Tactical Vehicle Exemptions. Amend RSA 268:4, II by inserting after subparagraph (b) the following new subparagraphs:

(c) Vehicles registered as antique motor vehicles as defined by RSA 259:4.

(d) Tactical military vehicles.

8 Emissions Inspection. Amend RSA 268:5, II to read as follows:

II. For 1981 and newer model vehicles, excluding vehicles 10,001 to 26,000 pounds manufacturer's gross vehicle weight rating, the high tech IM240 transient mode test with purge evaporative testing or an EPA approved equivalent alternative test or tests shall be performed.

For 1968 - 1980 model vehicles and all 1968 and newer model vehicles 10,001 to 26,000 pounds manufacturer's gross vehicle weight rating, a 2-speed test shall be performed. Pressure testing shall be performed on all 1979 and newer model vehicles. Visual inspection for emissions control equipment shall be performed on 1975 and newer model vehicles *unless the type of emissions test performed makes this unnecessary.*

9 Administrative Fines. RSA 268:12, II is repealed and reenacted to read as follows:

II. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$10,000 for each offense upon any inspection contractor or emissions inspector who violates any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this chapter shall not preclude the imposition of further penalties pursuant to this chapter.

10 Voluntary Certification Standards; Reference Added. Amend RSA 268:13, I and II to read as follows:

I. The department shall develop a voluntary training and certification program for mechanics [who] *and voluntary certification standards for repair businesses that* make emissions-related repairs. The department shall include in the contract agreement specified in RSA 268:10 those training and certification services deemed appropriate and reasonable for the inspection contractor to provide. The department may also make use of training and certification programs that exist in the public and private sector.

II. Certified mechanics *or authorized agents* shall be granted priority access for reinspection of vehicles at emissions inspection stations.

11 Sales of Nonconforming Vehicles. Amend RSA 268:19 is repealed and reenacted to read as follows:

268:19 Sales of Nonconforming Vehicles; Revocation.

I. Notwithstanding any other law to the contrary, a contract of sale for a vehicle that is subject to emissions inspection, based on the residency of the buyer, may be voided by the buyer due to emissions inspection failure. Two separate procedures shall be used to void a sale depending on whether the seller owns and operates a certified emissions repair business. For both procedures, all of the following conditions shall first be met:

(a) The seller does not provide the buyer at the time of sale with a certificate of compliance issued for the vehicle within the last 75 days and the vehicle fails to pass an initial emissions inspection within 7 days from the date of sale;

(b) The defects which are the reasons for the emissions inspection failure were not caused by the buyer;

(c) The buyer notifies the seller of the emissions inspection failure and provides the seller with a copy of the certificate of denial within 10 days of the date of sale;

II. If the seller owns and operates a certified emissions repair business, the seller shall be provided 10 days from the date the conditions of subparagraph I(c) are met to repair the vehicle at the repair business and have it reinspected as provided for in this chapter, at no expense to the buyer. The seller shall be allowed possession of the vehicle for repair and inspection purposes for up to 5 days during the 10-day period on dates of the seller's choosing. The seller shall inform the buyer at the beginning of the 10-day period of the dates the seller will require access to the vehicle. The buyer may void the sale at the end of the 10-day period if the vehicle has not passed emissions inspection.

III. If the seller does not own and operate a certified emissions repair business at which the necessary repairs can take place, the buyer may either void the sale or enter into a written agreement with the seller for the repair and reinspection of the vehicle and future conditions under which the sale may be voided. The buyer shall have no more than 12 days from the date of sale to void the sale, unless otherwise provided in a written agreement.

IV. For the buyer to void a sale once the conditions of paragraphs I and either II or III have been met, the buyer shall give possession of the vehicle to the seller, within the time frames specified in paragraphs II and III, in substantially the same condition as of the time of sale. The seller shall then refund the purchase price of the vehicle to the buyer.

V. This section shall not apply to wholesale vehicle transactions.

VI. The department shall provide to new owners of vehicles notice of the provisions of this section at the time of vehicle registration or when a 20-day registration is issued under RSA 261:57. The department shall clearly explain in the notice the process the buyer and seller shall follow to comply with this section.

Amend the bill by replacing section 13 with the following:

13 Membership. The committee shall consist of the following members:

I. Four representatives of the house environment and agriculture committee, appointed by the speaker.

II. Two senators from the senate environment committee, appointed by the senate president.

III. One member of the public, appointed by the governor.

IV. The commissioner of the department of safety, or designee.

V. The commissioner of the department of transportation, or designee.

VI. The commissioner of the department of environmental services, or designee.

VII. The commissioner of the department of resources and economic development, or designee.

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 17:

16 Repeal. RSA 268:12, V, relative to penalties subject to a hearing process, is repealed.

AMENDED ANALYSIS

This bill:

(1) Authorizes the issuance of a 10-day emissions registration certificate for the purpose of transporting a vehicle for emissions related testing, repairs and subsequent registration.

(2) Modifies the motor vehicle emissions testing process.

(3) Modifies the law regarding sales of nonconforming vehicles and revocation of a sales contract.

(4) Establishes a committee to examine the Clean Air Act Amendments of 1990 and implementation of the act.

Adopted.

Report adopted and ordered to third reading.

HB 1110, relative to the qualifications and license waiver period for speech and language pathologists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra Dowd for Executive Departments and Administration: The bill has two provisions. The first is to change the waiver period for education, practicum and professional experience requirements for a speech-language pathologist license from July 1, 1993 to September 30, 1994. The second provision repeals the sunset review of the administrative attachment of the board of marital mediators. Vote 13-0.

Amendment (5120B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the license waiver period for speech and language pathologists, and repealing the sunset review of the administrative attachment of the board of marital mediators.

Amend the bill by replacing all after the enacting clause with the following:

1 Waiver Period Changed. Amend RSA 326-F:9, I(c) to read as follows:

(c) Applies for a license in speech-language pathology [within one year after the effective date of this chapter] *on or before September 30, 1994*.

2 Repeal. 1992, 207:7, relative to the sunset review of the administrative attachment of the board of marital mediators to the judicial council, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill changes the waiver period for education, practicum, and professional experience requirements for a speech-language pathologist license from July 1, 1993, to September 30, 1994.

The bill also repeals the sunset review of the administrative attachment of the board of marital mediator to the judicial council.

Adopted.

Rep. Dunn offered a floor amendment.

Floor Amendment (5421B)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Rep. Dunn spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 1353, establishing a committee to study the structure of administrative and service delivery areas for certain social services. **INEXPEDIENT TO LEGISLATE**

Rep. William F. Kidder for Executive Departments and Administration: The intent of this bill is proper, however, the procedure to make it effective and the related costs to execute it, in the opinion of the committee, are not critical at this time. Already services are available from each agency and they all may be contacted via an 800 telephone number - see page 23 in the telephone directory of state departments. Vote 13-1.

Adopted.

HB 1481-L, relative to property tax exemptions and municipal core service charges or fees. **REFER FOR INTERIM STUDY**

Rep. Glen C. Gervais for Municipal and County Government: After a great deal of debate and deliberation of this complex issue and after hearing hours of innovative and informative testimony, a majority of the committee felt that the general concept and the variety of possible amendments deal with an important issue which deserves a more extensive review. Vote 12-5.

Adopted.

Rep. Houlahan wished to be recorded in favor.

HB 1402, establishing a committee to study the feasibility of creating a Strafford county fire department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Public Protection and Veterans Affairs: Testimony was mostly in favor of the study which has been attempted many times before but lacked organization to follow through. The sponsor indicated that this bill would provide the framework necessary to organize the study. The amendment changes the committee makeup as agreed to by the sponsor and eliminates compensation of legislative members. It was the feeling of the majority of the committee that a county study should be county funded. Vote 9-5.

Rep. Keans moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Reps. McCann and Hilliard spoke against.

On a division vote, 197 members having voted in the affirmative and 121 in the negative, the motion was adopted.

The substituted report was adopted.

HB 1245, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Regulated Revenues: This bill will require the Sweepstakes Commission to get legislative approval before instituting new electronic games such as keno or other video games. Vote 10-2.

Amendment (5203B)

Amend the bill by replacing section 1 with the following:

1 New Section; Legislative Approval Required for New Video or Electronic Games of Chance. Amend RSA 284 by inserting after section 21-ii the following new section:

284:21-iii Video or Electronic Games of Chance; Legislative Approval Required. The sweepstakes commission shall not establish or authorize the establishment of video or electronic

games of chance after the effective date of this section without approval by a majority of those members of the house and senate present and voting. For purposes of this section, "video or electronic games of chance" means a game played on an electronic, electro-mechanic, or computerized game machine which, upon the insertion of cash, tokens, or a cash voucher, is available to play an electronic game of chance, which machine uses a video display and microprocessors to determine the result of the game, whereby chance the player may receive cash, or credits or tokens that may be redeemed for cash. Video or electronic games of chance shall include, but not be limited to, slot machines, video poker, blackjack, line-up, and keno. Video or electronic games of chance shall not include any games authorized by the state of New Hampshire to be conducted by the sweepstakes commission, provided that there is only one drawing per day for all players on such day.

Adopted.

Report adopted and ordered to third reading.

HB 1148-FN-A, to exempt certain individuals from the payment of the tax on interest and dividends. **INEXPEDIENT TO LEGISLATE**

Rep. Roland Sallada for Ways and Means: This bill attempted to eliminate a class of taxpayers from the age of 62 and older from paying the Interest and Dividends Tax. After study and exploring the tax consequences, it was found that the State of New Hampshire would lose a minimum of \$13 million. The sponsor did not offer any way to make up the loss of revenue. Vote 13-0.

Adopted.

Rep. Houlahan wished to be recorded in favor of the bill.

HB 1570-FN-A-L, decreasing the temporary rate of the meals and rooms tax from 8 percent to 7 percent. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Barbara E. Arnold for Majority of Ways and Means: The state budget, as presently enacted, is based upon an 8 percent rooms and meals tax rate. The resulting revenue includes federal Medicaid funds through the hospital reimbursement mechanism. The bill would result in the loss of \$27.5 million. The committee felt that this was not an appropriate action at this time. Vote 12-7.

Rep. Alphonse O. Plourde for the Minority of Ways and Means: The hospitality industry presented evidence that the meals tax is the second highest tax in the nation (behind Washington, DC at 9 percent), and the rooms tax is among the highest in the nation. This tax makes the hospitality industry significantly less competitive than our neighboring states. The minority believes the state is losing significant "wholesale" tourism business, such as bus tours and convention business. Moreover, the state legislature continues to break the promise to repeal this temporary tax by holding it hostage to the "Medicaid" scheme. Rolling back the tax to 7 percent will stimulate economic growth and allow the hospitality industry to generate more revenues to fund essential services of state government.

Rep. Plourde moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, and spoke in favor.

Reps. Douglas Hall and Cowenhoven spoke against and yielded to questions.

Rep. David Young spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 113 - NAYS 215

YEAS 113

BELKNAP

Laflam, Robert

Lawton, David

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Pratt, Irene

Burnham, Daniel
Richardson, Barbara

Kingsbury, H. Thayer
Russell, Ronald

McGuirk, Paul
Young, David

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Harwell, Tyler

Hawkinson, Marie

GRAFTON

Chase, Paul, Jr.
McIlwaine, Deborah

Copenhaver, Marion
Nordgren, Sharon

Guest, Robert

Ham, Bonnie

HILLSBOROUGH

Asselin, Robert
Buckley, Raymond
Daigle, Robert
Gervais, Glen
Hunter, Bruce
Lessard, Rudy
Pepino, Leo
Smart, John
White, John

Bergeron, Lucien
Clemons, Jane
Drabinowicz, A. Theresa
Gosselin, Gerald
Johnson, Lionel
Lozeau, Donnalee
Philbrook, Paula
Soucy, Donna

Bergeron, Normand
Cote, David
Dykstra, Leona
Haettenschwiller, Alphonse
Laughlin, J. Francis
Martin, Mary Ellen
Plourde, Alphonse
Toomey, Kathryn

Borsa, Andrew
Crotty, Edward
Foster, Linda
Hall, Betty
Leclerc, Charles
Morrisette, Roland
Reidy, Frank
Turgeon, Roland

MERRIMACK

Braiterman, Thea
French, Barbara
Rogers, Katherine
Weeks, John, Jr.

Coughlin, Anne
Moore, Carol
Trombly, Rick
Yeaton, Charles

Daneault, Gabriel
Newland, Matthew
Wallner, Mary Jane

Dunn, Miriam
Regan, Maurice
Ward, Jay

ROCKINGHAM

Bell, Juanita
Gage, Beverly
Kane, Cecelia
Pantelakos, Laura
Schanda, Joseph, Sr.

Caswell, Albert, Jr.
Gorman, Donald
Malcolm, Kenneth
Pullman, Robert
Splaine, James

Clark, Martha
Hemenway, Thomas
McGovern, Cynthia
Rosencrantz, James
St. Martin, Tommy

Coes, Betsy
Hutchinson, Karen
O'Keefe, Patricia
Rubin, George
Vaughn, Charles

STRAFFORD

Brown, George
Hashem, Elaine
McCann, William, Jr.
Pelletier, Marsha
Wall, Janet

Callaghan, Frank
Hilliard, Dana
McGrath, J. Gregory
Rogers, Rose Marie
Wheeler, Katherine

Gilmore, Gary
Knowles, William
Merrill, Amanda
Snyder, Clair

Hambrick, Patricia
Loder, Suzanne
Pelletier, Arthur
Sullivan, Henry

SULLIVAN

Burling, Peter
Stamatakis, Carol

Cloutier, John

Domini, Irene

Palmer, Lorraine

NAYS 215**BELKNAP**

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Turner, Robert

Cain, Thomas
Hauck, William
Rice, Thomas, Jr.
Young, Niel

Campbell, Richard, Jr.
Hawkins, Robert
Rosen, Ralph
Ziegler, Alice

Dewhirst, Glenn
Holbrook, Robert
Smith, Linda

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Gordon

Chandler, Gene
Lyman, L. Randy

CHESHIRE

Delano, Robert
McNamara, Wanda
Royce, H. Charles

Hunt, John
Metzger, Katherine
Smith, Edwin

Lynch, Margaret
Perry, David

Manning, Joseph
Robertson, Timothy

COOS

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Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Larson, Nils, Jr.
Trelfa, Richard

Bean, Pamela
Eaton, Stephanie
Rose, William
Wadsworth, Karen

Below, Clifton
Gordon, Edward
Scanlan, David
Ward, Kathleen

Brown, Alson
Hill, Richard
Teschner, Douglass

HILLSBOROUGH

Amidon, Eleanor
Bagley, Amy
Chabot, Robert
Durham, Susan
Franks, Suzan
Hart, Nick
Holt, Mark
Kelley, Robert
Lefebvre, Roland
Mercer, Robert
Moncrief, Keith
O'Hearn, Jane
Riley, Frances
Smith, Leonard
Weergang, Alida

Andrews, Frederick
Burke, M. Virginia
Cowenhoven, Garret
Dyer, Merton
Gage, Ruth
Holden, Carol
Jasper, Shawn
Kirby, Thomas
Lown, Elizabeth
Messier, Irene
Moore, Elizabeth
Perkins, Paul
Rodgers, G. Philip
Sullens, Joan
Wells, Peter, Sr.

Arnold, Barbara
Calawa, Leon, Jr.
Daniels, Gary
Fenton, James
Gagnon, Eugene
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
McCarty, Winston
Milligan, Robert
Morello, Michael
Peters, Stanley
Sallada, Roland
Tate, Joan
Wheeler, Robert

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Drolet, Paul
Ferguson, Charles
Hanselman, Gregory
Holt, David
Kelley, Dana
Lachut, Ervin
McRae, Karen
Mittelman, David
Murphy, Robert
Rheault, Lillian
Searles, Stanley, Sr.
Upton, Barbara
Wright, George

MERRIMACK

Barberia, Richard
Fillion, Paul
Holmes, Mary
Kidder, William
Owen, Derek
Whalley, Michael

Chandler, Earle
Gilbreth, Robert
Houlahan, Thomas
Lockwood, Robert
Shaw, Randall
Whittemore, James

Chandler, John
Hall, Douglas
Johnson, C. William
Mitchell, Vernon
Stapleton, Henry
Willis, Jack

Feuerstein, Martin
Hess, David
Kennedy, Richard
Nichols, Avis
Teague, Bert

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Case, Margaret
Conroy, Janet
DiPietro, Carmela
Dube, LeRoy
Flanders, David
Hurst, Sharleene
Klemm, Arthur, Jr.
McKinney, Betsy
Pratt, Katharin
Senter, Merilyn
Stritch, C. Donald
Warburton, Calvin
Woods, Deborah

Arndt, Janet
Bove, Martin
Chester, Sherman
Cote, Charles
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Johnson, Robert
Kruse, Fred
Miller, Don
Putnam, Ed, II
Skinner, Patricia
Syracusa, Anthony
Welch, David
Yennaco, Carol

Battles, Marjorie
Buco, Stephen
Christie, Andrew, Jr.
Cote, Patricia
Dowling, Patricia
Fesh, Robert
Groves, Bonnie
Katsakiores, George
Lee, Rebecca
Noyes, Richard
Raynowska, Bernard
Smith, Arthur
Sytek, Donna
Weyler, Kenneth

Beaulieu, Jon
Campbell, Marilyn
Clark, Vivian
Crossman, Harold, Jr.
Drake, Herbert
Flanagan, Natalie
Hazelton, Robert
Klemarczyk, Thaddeus
Lovejoy, Marian
Packard, Sherman
Ritzo, Eugene
Stone, Joseph
Sytek, John
Williamson, William

STRAFFORD

Brown, Julie
McKinley, Robert
Torr, Ann

Chagnon, Ronald
Nehring, William
Torr, Franklin

Douglass, Clyde
Pageotte, Donald
Wasson, Richard

Keans, Sandra
Spear, Barbara

SULLIVAN

Behrens, Thomas
Peyron, Fredrik

Flint, Gordon
Rodeschin, Beverly

Kane, Joan
Schotanus, Merle

Lindblade, Eric

and the motion failed.

Report adopted.

MOTION TO REMOVE FROM THE TABLE

Rep. Hawkins moved that **HB 1567-FN**, relative to the medical fee schedule, businesses with 25 or more employees and other aspects of workers' compensation, be removed from the table. (Pending question: the substitute motion of Inexpedient to Legislate.)

The motion to remove from the table failed.

RESOLUTION

Their introduction having been approved by the Rules Committee, Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1587 and 1588, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 1587-L, relative to the Littleton Water and Light Department. (K. Ward, Graf 1; R. Hill, Graf 1; Eaton, Graf 1: Municipal and County Government)

HB 1588-L, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum. (Felch, Rock 21; O'Keefe, Rock 21; Hurst, Rock 22; Groves, Rock 22; Christie, Rock 22; K. Pratt, Rock 22; K. Malcolm, Rock 22; B. Moore, Rock 21; Hollingworth, Dist. 23: Municipal and County Government.)

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 514.

Rep. Drabinowicz, Sen. Currier for the Committee

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 31, 1994 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 1382, creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund.

HB 1260-FN-L, establishing a task force to study public education funding issues.

HB 1495, relative to taxes paid on simulcast racing.

HB 1100, relative to the importation, possession and breeding of wild hybrid canines in the State of New Hampshire and establishing a committee to study wild hybrid canines.

HB 1377, requiring an optometrist or ophthalmologist to release prescriptions for replacement contact lenses, and setting certain fees for certain out-of-state business registration and renewal.

HB 1396, limiting the use of information compiled by consumer reporting agencies.

HB 1456, relative to mental health care service providers.

HB 1466, including advanced registered nurse practitioners in insurance policies for certain conditions.

HB 1500-FN, defining "out-of-state pharmacy" and requiring the registration of such pharmacies that sell to individuals within the state.

HB 1559, relative to smoking in indoor public places.

HB 1155, establishing a committee to study the economic feasibility of the sale of state signs, special state license plates, and other related items.

HB 1433, establishing a committee to review and make recommendations regarding health education in public schools.

HB 1528, establishing a safe school zone and relative to school violence.

HB 1189, relative to emissions testing and establishing a committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act.

HB 1110, relative to the license waiver period for speech and language pathologists and repealing the sunset review of the administrative attachment of the board of marital mediators.

HB 1245, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance.

RECONSIDERATION

Having voted with the prevailing side, Rep. John Chandler moved that the House reconsider its action whereby it passed **HJR 22**, urging Congress to pass the Federal Mandates Relief Act of 1993.

On a division vote, 233 members having voted in the affirmative and 85 in the negative, reconsideration prevailed and the question was third reading and final passage.

Reps. Buckley and Ann Torr spoke in favor.

Roll call request sufficiently seconded. The question being third reading and final passage of **HJR 22**.

YEAS 310 - NAYS 15

YEAS 310

BELKNAP

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hauck, William	Hawkins, Robert	Holbrook, Robert
Johnson, Carl	Laflam, Robert	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph	Salatiello, Thomas	Smith, Linda	Turner, Robert
Young, Niel	Ziegra, Alice		

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy
Philbrick, Donald	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Delano, Robert	Hunt, John
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Perry, David	Richardson, Barbara
Royce, H. Charles	Smith, Edwin	Young, David	

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Guay, Lawrence
Harwell, Tyler	Horton, Lynn	Mayhew, Josephine	Mears, Edgar
Merrill, Gerald	Pratt, Leighton		

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alison
Brown, Patricia	Chase, Paul, Jr.	Copenhaver, Marion	Croy, Elizabeth

Eaton, Stephanie
Hill, Richard
Rose, William
Wadsworth, Karen

Gordon, Edward
Larson, Nils, Jr.
Scanlan, David
Ward, Kathleen

Guest, Robert
McIlwaine, Deborah
Teschner, Douglass

Ham, Bonnie
Nordgren, Sharon
Trelfa, Richard

HILLSBOROUGH

Amidon, Eleanor
Asselin, Robert
Borsa, Andrew
Cepaitis, Elizabeth
Cowenhoven, Garret
Drabinowicz, A. Theresa
Dykstra, Leona
Franks, Suzan
Gosselin, Gerald
Hart, Nick
Holt, Mark
Johnson, Lionel
L'Heureux, Robert
Lefebvre, Roland
McCarty, Winston
Milligan, Robert
Morello, Michael
Pepino, Leo
Plourde, Alphonse
Rodgers, G. Philip
Smith, Leonard
Toomey, Kathryn
Wells, Peter, Sr.

Andrews, Frederick
Bagley, Amy
Buckley, Raymond
Chabot, Robert
Crotty, Edward
Drolet, Paul
Fenton, James
Gage, Ruth
Haettenschwiller, Alphonse
Holden, Carol
Hunter, Bruce
Kelley, Dana
Lachut, Ervin
Lessard, Rudy
McRae, Karen
Mittelman, David
Morrisette, Roland
Perkins, Paul
Reidy, Frank
Sallada, Roland
Soucy, Donna
Turgeon, Roland
Wheeler, Robert

Arnold, Barbara
Bergeron, Lucien
Burke, M. Virginia
Clemons, Jane
Daigle, Robert
Durham, Susan
Ferguson, Charles
Gagnon, Eugene
Hall, Betty
Holley, Sylvia
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis
Lown, Elizabeth
Mercer, Robert
Moncrief, Keith
O'Hearn, Jane
Peters, Stanley
Rheault, Lillian
Searles, Stanley, Sr.
Sullens, Joan
Upton, Barbara
White, John

Arnold, Thomas, Jr.
Bergeron, Normand
Calawa, Leon, Jr.
Cote, David
Daniels, Gary
Dyer, Merton
Foster, Linda
Gervais, Glen
Hanselman, Gregory
Holt, David
Jean, Loren
Kirby, Thomas
Leclerc, Charles
Martin, Mary Ellen
Messier, Irene
Moore, Elizabeth
Packard, Bonnie
Philbrook, Paula
Riley, Frances
Smart, John
Tate, Joan
Weergang, Alida
Wright, George

MERRIMACK

Barberia, Richard
Coughlin, Anne
Gibbreth, Robert
Johnson, C. William
Mitchell, Vernon
Owen, Derek
Wallner, Mary Jane
Whittemore, James

Braiterman, Thea
Daneault, Gabriel
Hess, David
Kennedy, Richard
Moore, Carol
Regan, Maurice
Ward, Jay
Willis, Jack

Chandler, Earle
Dunn, Miriam
Holmes, Mary
Kidder, William
Newland, Matthew
Shaw, Randall
Weeks, John, Jr.

Chandler, John
Fillion, Paul
Houlahan, Thomas
Lockwood, Robert
Nichols, Avis
Stapleton, Henry
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Campbell, Marilyn
Christie, Andrew, Jr.
Cote, Charles
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Hazelton, Robert
Johnson, Robert
Klemm, Arthur, Jr.
McGovern, Cynthia
O'Keefe, Patricia
Pullman, Robert
Rosencrantz, James
Skinner, Patricia

Arndt, Janet
Boucher, William
Case, Margaret
Clark, Vivian
Cote, Patricia
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Hemenway, Thomas
Kane, Cecelia
Lee, Rebecca
McKinney, Betsy
Packard, Sherman
Putnam, Ed, II
Rubin, George
Smith, Arthur

Battles, Marjorie
Bove, Martin
Caswell, Albert, Jr.
Coes, Betsy
Crossman, Harold, Jr.
Drake, Herbert
Flanagan, Natalie
Gorman, Donald
Hurst, Sharleene
Katsakiores, George
Lovejoy, Marian
Miller, Don
Pantelakos, Laura
Raynowska, Bernard
Schanda, Joseph, Sr.
Splaine, James

Beaulieu, Jon
Bucu, Stephen
Chester, Sherman
Conroy, Janet
DiPietro, Carmela
Dube, LeRoy
Flanders, David
Groves, Bonnie
Hutchinson, Karen
Klemarczyk, Thaddeus
Malcolm, Kenneth
Noyes, Richard
Pratt, Katharin
Ritzo, Eugene
Senter, Marilyn
Stone, Joseph

Stritch, C. Donald
Vaughn, Charles
Williamson, William

Syracusa, Anthony
Warburton, Calvin
Woods, Deborah

Sytek, Donna
Welch, David
Yennaco, Carol

Sytek, John
Weyler, Kenneth

STRAFFORD

Brown, George
Douglass, Clyde
Keans, Sandra
McKinley, Robert
Pelletier, Marsha
Sullivan, Henry
Wasson, Richard

Brown, Julie
Hambrick, Patricia
Knowles, William
Nehring, William
Rogers, Rose Marie
Torr, Ann

Callaghan, Frank
Hashem, Elaine
Loder, Suzanne
Pageotte, Donald
Snyder, Clair
Torr, Franklin

Chagnon, Ronald
Hilliard, Dana
McCann, William, Jr.
Pelletier, Arthur
Spear, Barbara
Wall, Janet

SULLIVAN

Behrens, Thomas
Flint, Gordon
Peyron, Fredrik
Stamatakis, Carol

Burling, Peter
Kane, Joan
Rodeschin, Beverly

Cloutier, John
Lindblade, Eric
Schotanus, Merle

Domini, Irene
Palmer, Lorraine

NAYS 15 BELKNAP

None

CARROLL

None

CHESHIRE

Pratt, Irene

Robertson, Timothy

Russell, Ronald

COOS

Hawkinson, Marie

GRAFTON

None

HILLSBOROUGH

Murphy, Robert

MERRIMACK

Feuerstein, Martin
Yeaton, Charles

French, Barbara

Hall, Douglas

Rogers, Katherine

ROCKINGHAM

Clark, Martha

Kruse, Fred

St. Martin, Tommy

STRAFFORD

Merrill, Amanda

Wheeler, Katherine

SULLIVAN

None

and the bill was read a third time and passed.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:30 p.m.

RECESS

(Rep. Burnham in the Chair)

RESOLUTION

Rep. Gilmore offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 504, 523, 545, 547, 593, 600, 625, 628, 643, 644, 648, 650, 652, 655, 659, 669, 670, 671, 672, 673, 674, 701, 702, 703, 711, 716, 723,

728, 730, 744, 747, 748, 753, 754, 755, 757, 759, 761, 766, 767, 769, 772, 774, 775, 787, 788, 789, 791, 792, 794, 797, 801, 802 and 806, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 504-FN-A, relative to funding for state literacy programs and making an appropriation therefor. (Appropriations)

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process. (Health, Human Services & Elderly Affairs)

SB 545-FN, relative to the salary of the executive director of the pharmacy board. (Executive Departments & Administration)

SB 547-FN-A, authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor. (Resources, Recreation & Development)

SB 593-FN, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor. (Health, Human Services & Elderly Affairs)

SB 600-FN-A, directing the liquor commission to license an agency liquor store in Center Harbor. (Regulated Revenues)

SB 625-FN-A, relative to an in-home care pilot program and making an appropriation therefor. (Health, Human Services & Elderly Affairs)

SB 628-FN, relative to regulation of youth camps. (Resources, Recreation & Development)

SB 643-FN-A, relative to examining the feasibility of building a civic/exposition center in Manchester and making an appropriation therefor. (Public Works)

SB 644-FN-A, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101. (Public Works)

SB 648-FN, amending the 10-year highway plan and requiring the department of transportation to construct northbound and southbound entrance and exit ramps on I-93 in the town of Thornton. (Public Works)

SB 650-FN-A, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund. (Appropriations)

SB 652-FN-A, making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families. (Appropriations)

SB 655-FN-A, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor. (Resources, Recreation & Development)

SB 659-FN-A, relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor. (Resources, Recreation & Development)

SB 669-FN-L, relative to creditable service under the retirement system for time during which a person is receiving workers' compensation. (Executive Departments & Administration)

SB 670-FN, making technical corrections to the securities laws and relative to fees for securities registration. (Commerce, Small Business & Consumer Affairs)

SB 671-FN-A, negating the repeal of tax credits against the business profits tax and the investment tax credit. (Ways & Means)

SB 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings. (Science, Technology & Energy)

SB 673-FN, generally amending certain provisions relating to domestic violence. (Corrections & Criminal Justice)

SB 674-FN-A, placing responsibility for dredging projects in tidal waters with the port authority and continually appropriating certain fees to the port authority. (Resources, Recreation & Development)

SB 701-FN-A-L, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee. (Public Works)

SB 702-FN-A, relative to congregate housing and making an appropriation therefor. (Health, Human Services & Elderly Affairs)

SB 703-FN, creating a university system research development fund. (Appropriations)

SB 711, relative to small employer and individual insurance. (Commerce, Small Business & Consumer Affairs)

SB 716, relative to rules governing the the evaluation of bids for the treatment and disposal of contaminated soil. (Environment & Agriculture)

SB 723-FN-L, expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns. (Health, Human Services & Elderly Affairs)

SB 728-FN-A-L, providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor. (Appropriations)

SB 730-FN, relative to funding for low income and financially disadvantaged utility assistance programs. (Science, Technology & Energy)

SB 744-FN, establishing a committee to study providing health insurance to the dependents of retired state employees. (Executive Departments & Administration)

SB 747-FN, relative to lease-purchase agreements. (Commerce, Small Business & Consumer Affairs)

SB 748-FN, creating interagency family assistance teams for at-risk youths. (Children, Youth & Juvenile Justice)

SB 753-FN-L, relative to promoting economic self-sufficiency for families receiving AFDC. (Health, Human Services & Elderly Affairs)

SB 754, directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. (State-Federal Relations)

SB 755-FN-A, allowing business profits tax credits for alternative fuel vehicles. (Ways & Means)

SB 757-FN-A, relative to an education tax credit against the business profits tax. (Ways & Means)

SB 759-FN-A, relative to child support and making an appropriation therefor. (Children, Youth & Juvenile Justice)

SB 761-A, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor. (Public Works)

SB 766-A, making an appropriation to the department of transportation for the construction of sidewalks in the Weirs Beach area. (Public Works)

SB 767-FN, relative to mental illness coverage under insurance policies. (Commerce, Small Business & Consumer Affairs)

SB 769-FN, dividing any budget surplus between the revenue stabilization reserve account and state aid to education. (Appropriations)

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor. (Corrections & Criminal Justice)

SB 774-FN, to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor. (Health, Human Services & Elderly Affairs)

SB 775-FN, providing medicaid coverage for adults 18 to 64 years of age. (Health, Human Services & Elderly Affairs)

SB 787-FN-A, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor. (Health, Human Services & Elderly Affairs)

SB 788-FN-L, relative to alternative fuel motor vehicles. (Environment & Agriculture)

SB 789-FN-A-L, establishing a health care authority. (Health, Human Services & Elderly Affairs)

SB 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire. (Health, Human Services & Elderly Affairs)

SB 792-A, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport. (Appropriations)

SB 794-A, making a capital appropriation for highway transportation infrastructure. (Public Works)

SB 797, repealing the ability of state agencies to be exempt from the purchase of recycled paper products. (Executive Departments & Administration)

SB 801-A, increasing the department of transportation's authority to obtain certain bonds from 5-year bonds to 10-year bonds. (Public Works)

SB 802, relative to real estate appraisers. (Executive Departments & Administration)

SB 806, relative to a capital appropriation for repair and restoration of the state house. (Public Works)

(Rep. Newman in the Chair)

RESOLUTION

Rep. Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 506, 508, 518, 520, 522, 534, 539, 567, 573, 602, 603, 621, 639, 640, 651, 658, 664, 676, 685, 687, 724, 736, 740, 756, 763, 764, 777, 790, 805, 807, and SJR 1 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS and SJR

First, second reading referral

SB 506, allowing matters of state or national concern to be placed on the official ballot used for the election of town officers. (Municipal & County Government)

SB 508, enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities. (Municipal & County Government)

SB 518, relative to life and health insurance policy language simplification. (Commerce, Small Business & Consumer Affairs)

SB 520-L, relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord. (Municipal & County Government)

SB 522-FN, requiring elected police officers to meet certain criminal history and background requirements. (Public Protection)

SB 534, relative to condominium common assessments. (Commerce, Small Business & Consumer Affairs)

SB 539, establishing a committee to study the issue of exclusivity contracts between health care insurers and health care providers. (Commerce, Small Business & Consumer Affairs)

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping. (Wildlife & Marine Resources)

SB 573, establishing a committee to study the relocation of abandoned manufactured homes within manufactured housing parks. (Commerce, Small Business & Consumer Affairs)

SB 602-FN, relative to defaults on payments of motor vehicle fines or court appearances. (Judiciary)

SB 603, relative to the definition and payment of salaried employees. (Labor, Industrial & Rehabilitative Services)

SB 621, relative to eligibility for unemployment benefits. (Labor, Industrial & Rehabilitative Services)

SB 639, relative to medical records and the fee for retrieving medical record copies. (Health, Human Services & Elderly Affairs)

SB 640-FN, abolishing the advisory board of massage practitioners, establishing a regulatory board of massage practitioners, and specifying the board's duties, rulemaking authority, and fee collection procedures. (Executive Departments & Administration)

SB 651-FN, creating a real estate recovery trust fund, to be funded by certain fees. (Commerce, Small Business & Consumer Affairs)

SB 658, regulating the practice of dental hygiene, including the issuance of licenses and fees. (Health, Human Services & Elderly Affairs)

SB 664, relative to laid off state employees whose positions are federally funded. (Executive Departments & Administration)

SB 676, relative to equal employment opportunity in the workplace. (Labor, Industrial & Rehabilitative Services)

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership. (Public Protection)

SB 687, relative to the duties of the legislative advisory committee on campaign financing statutes. (Constitutional & Statutory Revision)

SB 724, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing. (Transportation)

SB 736-FN-A, relative to the taxation of grantor trusts. (Ways & Means)

SB 740-FN, relative to employee leasing. (Commerce, Small Business & Consumer Affairs)

SB 756-FN-A, relative to the definitions of "gross receipts" and "public utility" for the calculation of the franchise tax with respect to the sale of gas. (Ways & Means)

SB 763, establishing an executive board for community service. (Executive Departments & Administration)

SB 764-FN, requiring the department of transportation to maintain and plow an additional one-mile stretch of Tri-Cothic Road in the town of Ellsworth. (Public Works)

SB 777, establishing a committee to study health care issues in New Hampshire. (Health, Human Services & Elderly Affairs)

SB 790, relative to small power producers. (Science, Technology & Energy)

SB 805, reorganizing and making further amendments to the administrative procedure act. (Legislative Administration)

SB 807-FN, allowing the establishment of the Capital Wellness Center, Inc. (Public Works)

SJR 1, proclaiming 1993-1994 as university of New Hampshire year. (Education)

(Rep. Carol Moore in the Chair)

RESOLUTION

Rep. Rosencrantz offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 569, 619, 632, 667, 697, 733, 743, 760, 771 and 779 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 569, permitting the checking of traps at night subject to certain restrictions. (Wildlife and Marine Resources)

SB 619-FN, relative to a cost of living adjustment for retired firefighters. (Executive Departments & Administration)

SB 632-FN-A, establishing a pilot program to disseminate from the Pease International Trade Center trade information to promote international trade and making an appropriation therefor. (Commerce, Small Business & Consumer Affairs)

SB 667-FN, relative to guardians ad litem appointed in child protection cases. (Judiciary)

SB 697-FN-A, relative to the New Hampshire Industrial Research Center and making an appropriation therefor. (Economic Development)

SB 733-FN, requiring certification of athletic trainers including fees for certification. (Executive Departments & Administration)

SB 743-FN, relative to insurance coverage for children. (Commerce, Small Business & Consumer Affairs)

SB 760-FN-A-L, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees. (Municipal & County Government)

SB 771-FN-A, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases. (Public Protection)

SB 779-FN, revising the composition of the health services planning and review board and requiring the development of a state health plan. (Health, Human Services & Elderly Affairs)

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 14

Thursday, March 31, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of hope and compassion, we give You thanks for the life of Jim Chandler and for his many gifts that brought life, laughter and meaning to family, friends and colleagues. Grant, O God, that we may cherish his memory not by clinging to the past but by embracing the future with the same kind of grace, humility and wit that we saw embodied in Jim. In Your name, we pray. Amen.

Rep. Copenhagen led the Pledge of Allegiance.

The House of Representatives offered by the following:

HOUSE RESOLUTION NO. 56

memorializing House Clerk James A. Chandler

WHEREAS, the New Hampshire House of Representatives, on this day March 31, 1994, does convene with great sorrow after having learned of the death of our esteemed and beloved Clerk, James A. Chandler, known to all as Jim, and

WHEREAS, in his role as House Clerk, Jim Chandler, faithfully and with the highest competence, did serve the House membership for twelve years, first between 1976 and 1982 and then again from 1988 to the present, with earlier service as Assistant Clerk and as an Administrative Assistant, and

WHEREAS, Jim Chandler did have another phase to his accomplished and distinguished legislative tenure, namely his three terms as an elected Representative, serving first the voters of Portsmouth for the biennium of 1971-72, and then the voters of Concord for the bienniums of 1985-86 and 1987-88, and

WHEREAS, Jim Chandler, being a man of uncommon energy, also did sit as a City Councilor in Franklin, where he resided, giving to the local voters the same devotion and competence that he gave to the House of Representatives, and

WHEREAS, Jim Chandler was a man blessed with compassion, great sensitivity, wonderful wit, an uncanny knack for using soft words in hard situations, and an innate ability to always see the best in everything and in everyone, and

WHEREAS, Jim Chandler truly understood the meaning of fun and did serve as a wonderful role model who showed us all how easy it can be to enjoy life to its fullest and its friendliest, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that James A. Chandler be granted highest praise and accolades for his indefatigable dedication to the New Hampshire House of Representatives and to making life and the legislative process fun, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

LEAVES OF ABSENCE

Reps. Fenton, Messier, O'Brien and Nichols, the day, illness.

Reps. Crum, McRae, Stamatakis, Amanda Merrill, Linda Smith, Dykstra, Paul White, Robertson, Hanselman, Leighton Pratt, Blake, Lundborn, Daniels and Borsa, the day, important business.

Reps. McCann, Wells and Pantelakos, the day, death in the family.

Reps. Tate and O'Rourke, the day, illness in the family.

INTRODUCTION OF GUESTS

Stephen Marro, guest of Speaker Burns. Terri Lafond and Lorraine Van Uden, guests of Rep. Nardi. Students from Newfound Regional High School and their teacher, Paul Hazelton, guests of Reps. Larson and Gordon. Virginia Thurston, guest of Rep. Senter. Elwyn Chamberlin, guest of Rep. Adams.

SPECIAL GUESTS

The Alvirne High School Girls' Basketball Class "L" Champions and their coach and assistant coach, Ken Johnson and Cheryl Smith, guests of Rep. Searles.

The Coe-Brown Northwood Academy Girls' Basketball Class "M" Champions and their coach and assistant coach, Thomas Hall and Steven Smith, guests of Reps. Robert Johnson and John O'Brien.

GUEST ON THE ROSTRUM

Don Farr, Deputy British Consul-General, guest of the House.

RESOLUTION

Its introduction having been approved by the Rules Committee, Rep. Ann Torr offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1010-L, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1010-L, relative to a 10-year transportation plan. (G. Chandler, Carr 1: Public Works)

COMMUNICATION

March 23, 1994

James Chandler, House Clerk

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Larry Emerton, Sr., r, Goffstown (15 Medford Farms) 03045, Hills 7.

William M. Gardner, Secretary of State

COMMITTEE REFERRAL

Having been vacated on March 15, **SB 668-FN-L**, abolishing the New Hampshire retirement system special reserve account, is referred to the Committee on Executive Departments & Administration.

SENATE MESSAGES

NONCONCURRENCE WITH AMENDMENT

SB 43, relative to the state board of auctioneers.

CONCURRENCE

HB 123, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values.

HB 195-FN, relative to the sale of cider.

HB 267, correcting a reference in the stalking law.

HB 308, establishing a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU.

HB 449, relative to listing candidates on general election ballots.

HB 630-FN, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers.

HB 1103, redefining the term "camp" for boys and girls.

HB 1136, repealing the requirement that hunters expose the carcass of deer.

HB 1174-L, allowing the selectmen, under certain circumstances, to manage town real property.

HB 1190, authorizing the state to notify the victim of a sexual assault of the perpetrator's test results for HIV virus.

HB 1206, relative to the procedure to follow when an optional elected town office is discontinued.

HB 1251, relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits.

HB 1255, making technical amendments to the limited liability company laws.

HB 1294, extending the termination date of the lifesaver i.d. pilot program.

HB 1335-FN, making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees.

HB 1336, relative to services which certain liquor licensees may perform with regard to beverage stocking and displays.

HB 1371, relative to claiming the homestead right in a levy by sale of an execution on real estate.

HB 1380-L, prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations.

HB 1399, relative to the road toll on users of special fuel.

HB 1430, repealing the annual commemorative rifle or shotgun lottery.

HB 1449, relative to professional standards review organizations for physical therapists.

HB 1516-FN-A, transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefor.

HB 1529-FN, relative to the apportionment, priority of and limitations on bridge betterment funds.

HCR 20, A resolution providing that long-term care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives.

HCR 27, A resolution encouraging federal legislation to recognize atomic veterans.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 576-FN-A, relative to the taxation of meals. (Amendment printed SJ 9, 3/22/94)

Rep. Cowenhoven moved that the House concur.

Adopted.

HB 661-FN-A, relative to the highway and bridge betterment program. (Amendment printed SJ 10, 3/24/94)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. John Chandler, Pfaff, McCarty and Cloutier.

HB 1231, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial. (Amendment printed SJ 10, 3/24/94)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Keans, Katherine Rogers and Peyron.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1336 and 1516.

Rep. Dunn, Sen. Currier for the Committee

VACATES

Rep. Channing Brown moved that the House vacate the reference of **SB 504-FN-A**, relative to funding for state literacy programs and making an appropriation therefor, to the Committee on Appropriations.

Adopted and referred to Education.

Rep. Channing Brown moved that the House vacate the reference of **SB 709-FN**, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan, to the Committee on Appropriations.

Adopted and referred to Health, Human Services and Elderly Affairs.

Rep. Channing Brown moved that the House vacate the reference of **SB 728-FN-A-L**, providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor, to the Committee on Appropriations.

Adopted and referred to Education.

Rep. Bonnie Packard moved that the House vacate the reference of **SB 33**, relative to licensing of certified public accountants, to the Committee on Commerce, Small Business and Consumer Affairs.

Adopted and referred to Executive Departments and Administration.

PARLIAMENTARY SITUATION

The Speaker explained that the Senate passed and the House accepted two bills that, under House Rule 34(b), need a two-thirds majority for the House to introduce because substantially similar legislation was killed by the House last session.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED** that Senate Bill numbered 529, limiting liability of trappers for certain accidents involving domestic animals, shall be by this resolution read a first and second time.

Rep. Trombly spoke in favor.

Rep. Mock spoke against.

Roll call request not sufficiently seconded.

On a division vote, 100 members having voted in the affirmative and 239 in the negative, the motion failed.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED** that Senate Bill numbered 799, eliminating straight ticket voting on the ballot, shall be by this resolution read a first and second time.

On a division vote, 110 members having voted in the affirmative and 232 in the negative, the motion failed.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 541-FN-L, allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments, was removed at the request of Rep. Record.

SB 538, establishing a state freshwater fish, was removed at the request of Rep. Drake. Consent Calendar adopted.

SB 559, relative to international adoptions. **OUGHT TO PASS WITH AMENDMENT** Rep. Elizabeth S. Hager for Children, Youth and Juvenile Justice: This is an important

change in the law that will expedite adoptions of children from other countries. It will mean that these children will have clear adoption papers from their home state of New Hampshire. Vote 14-0.

Amendment (5674B)

Amend RSA 170-B:22, II as inserted by section 2 of the bill by replacing it with the following:

II. The court may validate and issue an adoption decree for an adoption finalized in another jurisdiction, provided that evidence satisfactory to the court is produced to demonstrate the validity of such adoption. For the purposes of this paragraph, satisfactory evidence includes documentation from the United States Department of Justice or the Department of State that a legal adoption has been completed in another country. Probate court rules shall specify such acceptable documentation.

SB 726-FN, changing the title of the division for children and youth services to the division for children, youth and families. OUGHT TO PASS

Rep. Deborah L. Woods for Children, Youth and Juvenile Justice: The Division has requested this formal name change to reflect its focus on the entire family and its commitment to the families of New Hampshire. The bill amends all relevant RSAs. Vote 14-0.

SB 550-FN, relative to fees for filing documents with the insurance department. REFER FOR INTERIM STUDY

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: The sponsor was the only person to testify on the bill. He requested the bill be sent to interim study because of the large number of fees that are changed. The committee concurred with the sponsor's request. Vote 11-0.

SB 654, establishing a committee to study the feasibility of instituting a statewide kindergarten program. INEXPEDIENT TO LEGISLATE

Rep. Suzan L. R. Franks for Education: The contents of this bill forming a study committee to look into the feasibility of establishing a kindergarten program will be addressed by the Task Force established in HB 1260. The Task Force is charged with examining the kindergarten issue as well as other educational funding concerns. Vote 19-0.

SB 780, expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions. OUGHT TO PASS

Rep. Susan B. Durham for Education: This bill expands the membership of the task force on sexual assault by adding representatives from campus service providers, campus security and deans of students. The reporting deadline is extended to December 1, 1994. Vote 19-0.

SB 524, relative to the rulemaking authority of the pesticide control board and the labeling of pesticides. OUGHT TO PASS

Rep. Gregory L. Hanselman for Environment and Agriculture: This bill was requested by the Department of Agriculture to facilitate rulemaking functions of the Pesticide Control Board and accommodate labeling requirements. Before review by committee, it received approval of the staff attorney at the Joint Rules Committee and the Attorney General's office, and it was supported by all in attendance at the public hearing. Vote 13-0.

SB 503-FN, relative to the practice of electrology and the collection of certain fees. OUGHT TO PASS

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill, requested by the Division of Public Health, updates and clarifies the language concerning licensure and regulation of the practice of electrology. Vote 14-0.

SB 785, establishing a committee to review current procedures of the central registry in the department of health and human services. OUGHT TO PASS

Rep. Joan Sullens for Health, Human Services and Elderly Affairs: This bill establishes a committee to review the current procedures of the central registry maintained by the Division for Children and Youth Services for the purposes of child protection. Vote 13-0.

SB 515, relative to requirements for alternate jurors. OUGHT TO PASS

Rep. Robert A. Lockwood for Judiciary: The bill refines the jury system by giving the court the option of retaining one or more alternate jurors after deliberations on a case have begun. Now, the court must retain all alternate jurors. The bill requires the court to keep chosen alternate jurors separated from the deliberating jurors unless called on by the court. Vote 14-1.

SB 521, establishing a committee to study skiing accident laws. INEXPEDIENT TO LEGISLATE

Rep. Rick G. Newman for Judiciary: The subject matter of this bill will be incorporated into HB 1387 which has been sent to interim study. The committee intends to report back to the legislature on this subject with that interim study report. Vote 13-0.

SB 540, limiting rights of reversion relative to real property. INEXPEDIENT TO LEGISLATE

Rep. Edward M. Gordon for Judiciary: This legislation places statutory limits on rights of reverter and rights of re-entry. The Committee heard testimony that occasional problems arise regarding titles to property in which these rights exist. However, the Committee found that traditional remedies remain available and blanket legislation to extinguish such rights is unnecessary. Vote 13-1.

SB 561, prohibiting the right of setoff against an individual retirement account or a simplified employee pension. OUGHT TO PASS WITH AMENDMENT

Rep. Tyler P. Harwell for Judiciary: This legislation is intended to bring New Hampshire in line with the federal law. Federal law does not permit IRA's, etc., to be used as collateral. This legislation makes it unlawful to exercise the traditional "right-of-setoff" held by banks against such accounts, a handy substitute for collateral rights, while studiously preserving all other remedies provided by law. Vote 17-0.

Amendment (5614B)

Amend the title of the bill by replacing it with the following:

AN ACT

limiting the right of seizure, setoff, or attachment against an individual retirement account or a simplified employee pension.

Amend the bill by replacing section 1 with the following:

1 Limitation on Seizure, Setoff, or Attachment. Amend RSA 515 by inserting after section 13 the following new section:

515:13-a Limitation on Seizure, Setoff, or Attachment by Banks. Individual retirement accounts or simplified employee pensions, as defined by section 408 of the United States Internal Revenue Code of 1986, as amended, shall be subject to seizure, setoff, or attachment for the benefit of creditors only by means of legal process, and not by unilateral action by the bank with which such accounts are deposited, or by other creditors, notwithstanding any agreements to the contrary.

AMENDED ANALYSIS

This bill limits the rights of seizure, setoff, or attachment against an individual retirement account or a simplified employee pension.

SB 660, relative to settlements on behalf of minors. OUGHT TO PASS

Rep. Nick Hart for Judiciary: This bill would allow courts to approve settlements on behalf of minors and allow the funds to be invested for the minors' benefit and available when needed. Vote 14-0.

SB 722, relative to petitions for declaratory judgments to determine insurance coverage. OUGHT TO PASS

Rep. Edward M. Gordon for Judiciary: This legislation clarifies declaratory judgment actions to determine insurance coverage. The current law has resulted in confusion as to when such a declaratory judgment may be filed. The committee believes this legislation will correct the confusion. Vote 12-0.

SB 798, increasing the exemption amount from attachment and execution for certain personal property. **OUGHT TO PASS**

Rep. David C. Allison for Judiciary: The Act (RSA 511:2) was last amended in 1981. Accordingly, the committee agrees that it is appropriate to increase personal property exemptions to reflect inflationary increases in such properties as household furniture, tools of the trade, and automobiles. Vote 11-1.

HR 54, encouraging declassification and dissemination of documents and materials relating to American POW/MIAs **OUGHT TO PASS**

Rep. James J. Fenton for Public Protection and Veterans Affairs: This house resolution encourages the United States Government to declassify and disseminate documents and materials relating to American POW-MIA's. The testimony given in this crowded, double-hearing room was most impressive and a moving experience to all committee members. Certified copies of this house action shall be forwarded to our congressional delegation. Vote 15-0.

SB 544-FN-L, relative to the requirements for sprinkler systems. **OUGHT TO PASS WITH AMENDMENT**

Reps. Gordon E. Wiggin, Lucien G. Bergeron, James J. Fenton, John W. Flanders, Sr., Bruce Foster Hunter, Rudy Lessard, Robert H. Milligan, Rodolphe G. Paquette, George R. Rubin, Richard A. Soucy and David A. Welch for Public Protection and Veterans Affairs: This legislation was introduced at the request of the State Fire Marshall to close a loop hole in the current regulations which allow multi-story and other buildings to be constructed with no sprinkler or fire suppression systems; providing that fire detection devices are installed. Nothing in this legislation shall be construed to prevent municipalities from adopting bylaws or ordinances in this subject area providing that such bylaws or ordinances are no less restrictive than those adopted by the Fire Marshall. The House amendment merely moves the "brackets" to clearly indicate the material removed from the current law and makes no substantive change to this legislation as introduced. Vote 11-0.

Amendment (5652B)

Amend RSA 153:5 as inserted by section 1 of the bill by replacing it with the following: 153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt the most recent edition of the provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in areas of buildings or additions, in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities or electronic data processing equipment, or in [facilities in which rooms or areas are protected with an automatic fire alarm system] *telecommunications or electric utility company's equipment buildings or areas occupied exclusively for telecommunications equipment, electrical transformation and switching equipment, associated electrical distribution equipment, batteries and standby engines or generators, provided, that those spaces or areas are equipped throughout with an automatic fire detection system.* The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures or equipment. The fire marshal may exempt a building, structure or equipment from such rules if he finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be

construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

SB 587, revising the penalty provision for carrying a weapon without a valid license. **OUGHT TO PASS**

Rep. Leo P. Pepino for Public Protection and Veterans Affairs: The bill addresses an oversight in the current law and revises the penalty for carrying a loaded, concealed weapon without a valid permit. Presently, RSA 159:4 provides a misdemeanor for the first offense of carrying a loaded pistol or revolver without a license. The second and subsequent offenses are Class "B" felonies. SB 587 calls for a Class "B" felony only if the second or subsequent offense occur within seven years of the previous conviction. Licenses presently are granted for four years. Renewal will be on the birth date of the holder within the fourth year if legislation passed by this House is approved in the Senate. Vote 12-0.

SB 536, relative to appropriations for the expansion of the port of Portsmouth. **OUGHT TO PASS**

Rep. Terence R. Pfaff for Public Works: This bill is a fiscal committee request. It combines the capital appropriations made in 1993 and 1991 to the New Hampshire Port Authority into 1991, Revised Statutes Annotated 351:5; it also changes line 13 to "overview from oversight." Vote 15-0.

SB 678, establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means. **INEXPEDIENT TO LEGISLATE**

Rep. Gene G. Chandler for Public Works: This bill would establish a committee to study the turnpike system. The Committee has already heard testimony regarding this subject matter in House Bill 1382, and amended that bill to appropriate \$150,000.00 from the turnpike fund to provide for an independent, unbiased report on the turnpike system. The House has passed this amended piece of legislation, so SB 678 is not needed at this juncture. Vote 15-0.

SB 686, reclassifying a portion of Stratham Heights Road in the town of Stratham. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene G. Chandler for Public Works: This bill would reclassify a portion of Stratham Heights Road from the intersection of Route 101 and the intersection of Guinea Road as a Class V highway. This bill was unanimously supported by the Public Works Committee, the Stratham Board of Selectmen and the Department of Transportation. The amendment changes the effective date to December 1, 1994 to allow time for the Department of Transportation to finish repairs to the section of road which will be reclassified. Vote 15-0.

Amendment (5364B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect December 1, 1994.

SB 781-A, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene G. Chandler for Public Works: This bill deals with the same subject matter as HB 1518, namely design and construction of a portion of exit 6 on the Spaulding Turnpike at its intersection with New Hampshire Route 4 and Boston Harbor Road. SB 781 has been amended by the Public Works Committee exactly as HB 1518 was amended and overwhelmingly passed. The Public Works' amended version of this bill authorizes the project and directs that the project not proceed until the Governor and Council transfer the necessary million from funds remaining from any projects outlined in RSA 237:7. This project should be completed in conjunction with the Scammell Bridge project and the committee strongly supported that idea. The Department of Transportation testified that by the time this exit-6 project was ready to begin, there would be sufficient funding from already legislated projects to complete the project and have it coincide with the Scammell Bridge project, thereby saving

money and inconvenience to the area. In addition to adopting the Public Works amendment, the Appropriations Committee allowed for an additional choice; increasing the turnpike bonding authority by \$1 million. The Public Works Committee has told other sponsors of legislation that there is no money available for special projects and could not have approved this construction project if it could not have been done with existing funds. We feel that considerably more public comment and hearings need to be held before undertaking such a dramatic move as increasing the bonding authority of the turnpike system. Upcoming hearings on the 10-year plan will allow for that public debate, if desired. Vote 14-2.

Amendment (5609B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Spaulding Turnpike; Exit 6 Redesign and Reconstruction. Amend RSA 237:2 by inserting after paragraph II-b the following new paragraph:

II-c. Redesign and reconstruct a portion of exit 6 on the Spaulding turnpike at its intersection with N.H. Route 4 and Boston Harbor Road. This project shall not begin until the governor and council authorizes a transfer of a sum not to exceed \$1,000,000 from any funds remaining in projects under RSA 237:7, I as authorized by RSA 237:7, II.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill requires the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from appropriated funds transferred from other highway projects.

Referred to Appropriations.

SB 533, prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board. **OUGHT TO PASS**

Rep. Martin Feuerstein for Resources, Recreation and Development: This bill prohibits altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board. It also provides that, on request, the wetlands board shall provide a preapplication assessment to any owner of a lot of record located in a sand dune. Vote 13-0.

REGULAR CALENDAR

HB 1050-FN, establishing the health care transition fund and continually appropriating the fund to the department of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: The committee amendment completely replaces the original bill. The state will claim an additional \$130 million in Medicaid funds in FY'94 and will use \$27.6 million of this amount for supplemental appropriations in FY'94 and FY'95. These appropriations will be for medicaid provider payments, AFDC, nursing home costs, APTD, transportation and ancillary services for job training for welfare recipients, and children's services. All are related to caseloads which continue to exceed those projected in the budget one year ago. An additional \$2.6 million is appropriated into the 1 percent administrative fund and the fund is made non-lapsing until June 30, 1995.

The remainder of the additional medicaid funds (almost exactly \$100 million) is appropriated into a newly established fund: the Health Care Transition Fund. No monies are appropriated from this fund. Rather, appropriations, if they are to occur, will be made in other bills or by subsequent actions of the legislature.

Authority to expend money from this fund is NOT delegated to the legislative fiscal committee and governor and council. Rather, spending is to be authorized by the normal state budgeting process defined in RSA 9. This ensures that the legislative branch remains firmly in control of all expenditures from this large new fund.

Specific purposes and goals of this Fund are established in the bill to convey clearly the intent that the monies be restricted to health care uses. The goals are sufficiently permissive to allow the Fund to support policy initiatives in other bills (notably SB 774, 775, 625, and 711) that are part of the Governor's Health Care Reform proposal without prejudicing policy committee actions on those or other bills or consideration of other policy initiatives.

The bill also requires that future initiatives be "part of a state health plan approved under a process established by the legislature." This ensures legislative involvement in the critical planning and policy process.

The bill also appropriates new "proportionate share payments" to counties for the purpose of claiming additional Medicaid funds and to reduce the cost of nursing home care to the counties by \$8 million each year. This aspect of the bill is pure property tax relief for county taxpayers. HB 1050-FN is simply a convenient vehicle to accomplish this, our committee having no other logical vehicle to do so. Vote 22-1.

Amendment (5719B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing the health care transition fund, making certain appropriations,
and clarifying the procedure relative to the uncompensated
care administration fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that the state has a fundamental interest in improving the ability of its citizens to access health care that is of a consistently high quality in order to promote the general welfare and health of the community. In addition, the state has a special responsibility to assure that citizens with special needs have the ability to access medically related support services. From 1980 to 1991, health care costs in New Hampshire rose at an annual rate of 13.4 percent. If the goal of increased access to quality health care is to be achieved in the state, the reform of government's role in the health care system must be based upon a carefully planned set of changes that is funded in advance and that is the result of collaboration among health care consumers, providers, government, and the business and academic communities of the state.

2 New Subdivision; Health Care Transition Fund. Amend RSA 167 by inserting after section 68 the following new subdivision:

Health Care Transition Fund

167:69 Definitions. In this subdivision:

- I. "Commissioner" means the commissioner of health and human services.
- II. "Department" means the New Hampshire department of health and human services.
- III. "Fund" means the health care transition fund established in RSA 167:70.

167:70 Health Care Transition Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the health care transition fund.

II. The state treasurer shall invest and reinvest the assets of the fund in accordance with law, and the principal assets and accumulated income in the fund shall be nonlapsing.

167:71 Purposes of the Fund.

I. The moneys in the fund shall be expended to:

- (a) Fund in advance the planning and implementation of new health care initiatives which are part of a state health plan approved under a process established by the legislature.
- (b) Buffer individual citizens from the impact of changes in existing health care programs which may occur at the federal level during the time this fund is in existence.

II. The goals of this fund are established to:

(a) Increase access to health care services by ensuring an appropriate supply and state-wide distribution of general physicians and other primary care providers and services, including mental health and substance abuse services.

(b) Ensure access to health care services by increasing the availability of medicaid coverage for economically disadvantaged families and adult households.

(c) Support the development and implementation of a planning, data and quality assessment process within the office of health planning.

(d) Support community-based long-term care services.

(e) Support the physical and mental health care needs of at-risk children and their families.

167:72 Accumulated Income. Commencing with the fiscal year ending June 30, 1995, the state treasurer shall annually, on or before October 1, certify an amount to the commissioner which shall be the sum of the income accumulated in the fund plus the market value of the principal assets held in the fund. The rate of expenditure shall guarantee the funding of the purposes in RSA 167:71 for a minimum period of 6 years from the effective date of this subdivision.

167:73 Annual Health Care Initiatives Budget. Appropriations from the health care transition fund shall be consistent with the purposes of the fund and shall be made in accordance with the budgetary procedures established in RSA 9 or in accordance with any process which may subsequently be established by the legislature to control expenditures from the fund.

3 Repeal. RSA 167:69-167:73, relative to the health care transition fund, are repealed.

4 Contingency; Disposition of Fund. Section 3 of this act shall take effect when the market value of the principal assets and accumulated income held in the fund is certified by the state treasurer to the commissioner of health and human services to be less than \$100,000. Upon repeal, the entire remaining value of the fund shall lapse into the general fund.

5 Funding. An amount equal to the difference between the funds recovered under the medicaid plan amendment, TN #93-19, and the supplemental appropriations made in section 6 of this act shall be deposited into the health care transition fund established in section 2 of this act, and such amount is hereby appropriated. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Supplemental Appropriations. Amend 1993, 349:1 by making the following supplemental appropriations to the following PAUs:

05 HEALTH AND SOCIAL SERVICES

- 01 DEPT OF HEALTH AND HUMAN SVCS
- 01 OFFICE OF THE COMMISSIONER
- 02 COMM OFFICE OF ADMIN & FINANCE
- 06 UNCOMPENSATED CARE FUND

	<i>FY 1994</i>	<i>FY 1995</i>
91 NHH DISPROPORTIONATE SHARE	\$260,000,000	
95 MEDICAID ADMINISTRATIVE FUND F	2,600,000	
TOTAL	262,600,000	
ESTIMATED SOURCE OF FUNDS FOR UNCOMPENSATED CARE FUND		
00 FEDERAL FUND	130,000,000	
05 PRIVATE LOCAL FUNDS	0	
GENERAL FUND	132,600,000	
TOTAL	262,600,000	

05 HEALTH AND SOCIAL SERVICES

- 01 DEPT OF HEALTH AND HUMAN SVCS
- 03 DIV FOR CHILDREN & YOUTH SVCS
- 02 BUREAU OF CHILDREN
- 07 DCYS - SETTLEMENT

90 FOSTER HOMES	(616,126)	(616,126)
91 RESIDENTIAL	3,282,827	3,282,827
92 SOCIAL SERVICES	754,633	754,633
93 DIAG EVAL/COUNS	1,256,526	1,256,526
94 LEGAL	432,566	432,566
95 OTHER SERVICES	(228,253)	(228,253)
TOTAL	4,882,173	4,882,173
ESTIMATED SOURCE OF FUNDS FOR DCYS - SETTLEMENT		
00 FEDERAL FUNDS	3,064,888	3,064,889
05 PRIVATE LOCAL FUNDS I	454,321	454,321
GENERAL FUND	1,362,964	1,362,963
TOTAL	4,882,173	4,882,173

05 HEALTH AND SOCIAL SERVICES

- 01 DEPT OF HEALTH AND HUMAN SVCS
- 03 DIV FOR CHILDREN & YOUTH SVCS
- 02 BUREAU OF CHILDREN
- 08 FAMILY SUPPORT SYSTEMS

90 DIVERSION INCENTIVES	115,300	138,360
TOTAL	115,300	138,360

ESTIMATED SOURCE OF FUNDS			
FOR FAMILY SUPPORT GENERAL		115,300	138,360
TOTAL		115,300	138,360
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
04 DIVISION OF HUMAN SERVICES			
02 PROGRAM OPERATIONS			
04 JOBS PROGRAM			
90 EDUCATION & TRAINING		185,000	185,000
91 TRANSPORTATION		542,000	542,000
92 EMPLOYMENT & TRAINING SUPPORT		188,000	188,000
TOTAL		915,000	915,000
ESTIMATED SOURCE OF FUNDS FOR			
JOBS PROGRAM GENERAL FUND		915,000	915,000
TOTAL		915,000	915,000
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
04 DIVISION OF HUMAN SERVICES			
04 FINANCIAL GRANTS			
01 AID TO FAMILIES W/ DEPENDENTS			
90 AFDC	D	7,000,000	17,378,064
91 EMERGENCY ASSISTANCE PROGRAM	F	325,000	325,000
TOTAL		7,325,000	17,703,064
ESTIMATED SOURCE OF FUNDS FOR			
AID TO FAMILIES W/ DEPENDENTS			
00 FEDERAL FUNDS		3,662,500	8,851,532
GENERAL FUND		3,662,500	8,851,532
TOTAL		7,325,000	17,703,064
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
04 DIVISION OF HUMAN SERVICES			
04 FINANCIAL GRANTS			
02 OAA APTD GRANTS			
91 APTD GRANTS		725,000	1,029,888
TOTAL		725,000	1,029,888
ESTIMATED SOURCE OF FUNDS FOR			
OAA APTD GRANTS			
05 PRIVATE LOCAL FUNDS	I	362,500	514,944
GENERAL FUND		362,500	514,944
TOTAL		725,000	1,029,888
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
04 DIVISION OF HUMAN SERVICES			
04 FINANCIAL GRANTS			
05 MEDICAL GRANTS			
90 PROVIDER PAYMENTS		10,000,000	11,374,128
TOTAL		10,000,000	11,374,128
ESTIMATED SOURCE OF FUNDS FOR			
MEDICAL GRANTS			
00 FEDERAL FUNDS		5,000,000	5,687,064
05 PRIVATE LOCAL FUNDS	I	0	158,976
GENERAL FUND		5,000,000	5,528,088
TOTAL		10,000,000	11,374,128

05 HEALTH AND SOCIAL SERVICES

01 DEPT OF HEALTH AND HUMAN SVCS

04 DIVISION OF HUMAN SERVICES

04 FINANCIAL GRANTS

06 NURSING SERVICES

90 NURSING SERVICES 3,400,000 3,400,000

91 HOME NURSING SERVICES (1,200,000) (2,500,000)

92 PSP NURSING PAYMENTS 16,000,000 16,000,000

TOTAL 18,200,000 16,900,000

ESTIMATED SOURCE OF FUNDS FOR
NURSING SERVICES

00 FEDERAL FUNDS 9,100,000 8,450,000

05 PRIVATE LOCAL FUNDS I 9,038,700 9,038,700

GENERAL FUND 61,300 (588,700)

TOTAL 18,200,000 16,900,000

05 HEALTH AND SOCIAL SERVICES

01 DEPT OF HEALTH AND HUMAN SVCS

04 DIVISION OF HUMAN SERVICES

04 FINANCIAL GRANTS

07 OTHER NURSING HOMES

90 OTHER NURSING HOMES (580,000) (580,000)

TOTAL (580,000) (580,000)

ESTIMATED SOURCE OF FUNDS FOR
OTHER NURSING HOMES

00 FEDERAL FUNDS (290,000) (290,000)

GENERAL FUND (290,000) (290,000)

TOTAL (580,000) (580,000)

05 HEALTH AND SOCIAL SERVICES

01 DEPT OF HEALTH AND HUMAN SVCS

04 DIVISION OF HUMAN SERVICES

04 FINANCIAL GRANTS

08 SOCIAL SERVICES GRANTS

93 PURCHASED SERVICES - DAY CARE 1,658,335 1,229,752

TOTAL 1,658,335 1,229,752

ESTIMATED SOURCE OF FUNDS FOR
SOCIAL SERVICES GRANTS

00 FEDERAL FUNDS 1,658,335 1,229,752

GENERAL FUND 0 0

TOTAL 1,658,335 1,229,752

TOTAL 305,840,808 53,592,365

ESTIMATED SOURCE OF FUNDS FOR
DEPT OF HEALTH AND HUMAN SVCS

GENERAL FUNDS 143,789,564 16,432,187

FEDERAL FUND 152,195,723 26,993,237

OTHER 9,855,521 10,166,941

TOTAL 305,840,808 53,592,365

7 Footnote Inserted. Amend 1993, 349:1.05, 01, 01, 02, 06, class 95 to read as follows:

95 MEDICAID ADMINISTRATIVE FUND F 2,609,913 2,807,478

8 Clarification. Amend RSA 167:64, I(c) to read as follows:

(c) One percent of the payments made from the [fund] *class lines in the budget of the office of the commissioner, department of health and human services, entitled "hospital disproportionate share," "New Hampshire hospital disproportionate share," and "hospital uncompensated care pool"* shall be placed in a separate [PAU] *class line* reserved for the expenses of the department in administering this subdivision.

9 Effective Date.

I. Section 3 shall take effect as provided in section 4.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes the health care transition fund in an effort to assist individual citizens if changes in existing health care programs occur at the federal level. An amount equal to the difference between the funds received from the medicaid disproportionate share and certain supplemental appropriations is appropriated to the fund.

The bill also clarifies the manner of calculating the amount of money which goes into the uncompensated care administration fund.

Rep. Douglas Hall spoke in favor and yielded to questions.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (5762B)

Amend RSA 167:71, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Fund the planning and implementation of health care initiatives which have been enacted by the legislature or which are part of a state health plan approved under a process established by the legislature.

Rep. Channing Brown spoke in favor.

Adopted.

Rep. Douglas Hall spoke in favor of the amended Committee report.

Roll call request sufficiently seconded. The question being the adoption of the amended report.

YEAS 349 - NAYS 2

YEAS 349

BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph

Cain, Thomas
Hauck, William
Laflam, Robert
Turner, Robert

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Young, Niel

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Ziegra, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Cole, Stacey
Kingsbury, H. Thayer
McNamara, Wanda
Pratt, Irene
Russell, Ronald

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Metzger, Katherine
Richardson, Barbara
Smith, Edwin

Burnham, Daniel
Delano, Robert
Manning, Joseph
Pearson, Gertrude
Riley, William
Young, David

Champagne, Richard
Foster, Katherine
McGuirk, Paul
Perry, David
Royce, H. Charles

COOS

Bradley, Paula
Hawkinson, Marie
Merrill, Gerald

Coulombe, Henry
Horton, Lynn
Wiswell, James

Foss, Frederic
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

GRAFTON

Adams, Carl
Brown, Channing
Driscoll, William

Bean, Pamela
Brown, Patricia
Eaton, Stephanie

Below, Clifton
Copenhaver, Marion
Gordon, Edward

Brown, Alson
Crory, Elizabeth
Guest, Robert

Ham, Bonnie
Nordgren, Sharon
Trelfa, Richard

Hill, Richard
Rose, William
Wadsworth, Karen

LaMott, Paul
Scanlan, David
Ward, Kathleen

Larson, Nils, Jr.
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Andrews, Frederick
Bagley, Amy
Buckley, Raymond
Chabot, Robert
Crotty, Edward
Donovan, Francis
Dwyer, Patricia
Fields, Dennis
Gagnon, Eugene
Haettenschwiller, Alphonse
Holden, Carol
Hunter, Bruce
Johnson, Lionel
Kurk, Neal
Leclerc, Charles
Lozeau, Donnalee
Milligan, Robert
Morello, Michael
O'Hearn, Jane
Perkins, Paul
Record, Alice
Sargent, Maxwell
Soucy, Richard
Upton, Barbara

Ahlgren, Madelyn
Arnold, Barbara
Bergeron, Lucien
Burke, M. Virginia
Clemons, Jane
Daigle, Robert
Drabinowicz, A. Theresa
Dyer, Merton
Foster, Linda
Gervais, Glen
Hall, Betty
Holley, Sylvia
Jasper, Shawn
Kelley, Dana
L'Heureux, Robert
Lefebvre, Roland
Martin, Mary Ellen
Mittelman, David
Morrisette, Roland
Packard, Bonnie
Peters, Stanley
Reidy, Frank
Searles, Stanley, Sr.
Sullens, Joan
Vanderlosk, Stanley

Allen, W. Gordon
Arnold, Thomas, Jr.
Bergeron, Normand
Calawa, Leon, Jr.
Cote, David
Desrosiers, William
Drolet, Paul
Emerton, Lawrence, Sr.
Franks, Suzan
Gosselin, Gerald
Hart, Nick
Holt, David
Jean, Claudette
Kelley, Robert
Lachut, Ervin
Lessard, Rudy
McCarty, Winston
Moncrief, Keith
Murphy, Robert
Paquette, Rodolphe
Philbrook, Paula
Rheault, Lillian
Smith, Leonard
Toomey, Kathryn
Wheeler, Robert

Amidon, Eleanor
Asselin, Robert
Bowers, Dorothy
Cepaitis, Elizabeth
Cowenhoven, Garret
Dodge, Emma
Durham, Susan
Ferguson, Charles
Gage, Ruth
Greenberg, Gary
Healy, Daniel
Holt, Mark
Jean, Loren
Kirby, Thomas
Laughlin, J. Francis
Lown, Elizabeth
Mercer, Robert
Moore, Elizabeth
Nardi, Theodora
Pepino, Leo
Plourde, Alphonse
Sallada, Roland
Soucy, Donna
Turgeon, Roland
White, John

MERRIMACK

Barberia, Richard
Chandler, Earle
Dunn, Miriam
Gilbreth, Robert
Holmes, Mary
Kidder, William
Moore, Carol
Regan, Maurice
Trombly, Rick
Whittemore, James

Braiterman, Thea
Chandler, John
Feuerstein, Martin
Hager, Elizabeth
Houlahan, Thomas
Langer, Ray
Newland, Matthew
Rogers, Katherine
Wallner, Mary Jane
Willis, Jack

Buessing, Marjorie
Coughlin, Anne
Fillion, Paul
Hall, Douglas
Johnson, C. William
Lockwood, Robert
Owen, Derek
Stapleton, Henry
Ward, Jay
Yeaton, Charles

Carter, Susan
Daneault, Gabriel
French, Barbara
Hess, David
Johnson, Joyce May
Mitchell, Vernon
Pfaff, Terence
Teague, Bert
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Case, Margaret
Clark, Martha
Cote, Charles
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Hazelton, Robert
Johnson, Bill
Katsakiores, Phyllis
Lee, Rebecca
McGovern, Cynthia

Arndt, Janet
Boucher, William
Caswell, Albert, Jr.
Clark, Vivian
Cote, Patricia
Dowling, Patricia
Fesh, Robert
Gargiulo, Louis
Hemenway, Thomas
Johnson, Robert
Klemarczyk, Thaddeus
Lovejoy, Marian
McKinney, Betsy

Battles, Marjorie
Bove, Martin
Chester, Sherman
Coes, Betsy
Crossman, Harold, Jr.
Drake, Herbert
Flanagan, Natalie
Gorman, Donald
Hurst, Sharleene
Kane, Cecelia
Klemm, Arthur, Jr.
MacDonald, Maurice
Miller, Don

Beaulieu, Jon
Campbell, Marilyn
Christie, Andrew, Jr.
Conroy, Janet
DiPietro, Carmela
Dube, LeRoy
Flanders, David
Groves, Bonnie
Hutchinson, Karen
Katsakiores, George
Kruse, Fred
Malcolm, Kenneth
Newman, Rick

Noyes, Richard
 Pullman, Robert
 Ritzo, Eugene
 Senter, Marilyn
 Splaine, James
 Sytek, Donna
 Welch, David
 Yennaco, Carol

O'Keefe, Patricia
 Putnam, Ed, II
 Rosencrantz, James
 Simon, Peter
 St. Martin, Tommy
 Sytek, John
 Weyler, Kenneth

Packard, Sherman
 Raynowska, Bernard
 Rubin, George
 Skinner, Patricia
 Stone, Joseph
 Vaughn, Charles
 Williamson, William

Pratt, Katharin
 Richards, David
 Schanda, Joseph, Sr.
 Smith, Arthur
 Stritch, C. Donald
 Warburton, Calvin
 Woods, Deborah

STRAFFORD

Brown, George
 Douglass, Clyde
 Hashem, Elaine
 Kincaid, William
 McKinley, Robert
 Pelletier, Arthur
 Sullivan, Henry
 Vincent, Francis

Brown, Julie
 Dunlap, Patricia
 Hemon, Roland
 Knowles, William
 Merritt, Deborah
 Rogers, Rose Marie
 Torr, Ann
 Wall, Janet

Callaghan, Frank
 Gilmore, Gary
 Hilliard, Dana
 Loder, Suzanne
 Musler, George
 Snyder, Clair
 Torr, Franklin
 Wasson, Richard

Chagnon, Ronald
 Hambrick, Patricia
 Keans, Sandra
 McGrath, J. Gregory
 Nehring, William
 Spear, Barbara
 Torr, Ralph
 Wheeler, Katherine

SULLIVAN

Allison, David
 Domini, Irene
 Lindblade, Eric
 Schotanus, Merle

Behrens, Thomas
 Flint, Gordon
 Palmer, Lorraine

Burling, Peter
 Holl, Ann
 Peyron, Fredrik

Cloutier, John
 Kane, Joan
 Rodeschin, Beverly

NAYS 2

BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Rothhaus, Finlay

MERRIMACK

Shaw, Randall

ROCKINGHAM

None

STRAFFORD

None

SULLIVAN

None

and the report was adopted.
 Ordered to third reading.

SB 642-FN, relative to drug-free school zones and creating a special fund for providing and replacing zone signs. **OUGHT TO PASS**

Rep. Stanley N. Searles, Sr. for Education: This bill gives rulemaking authority to the State Board of Education for drug-free school zones. A study committee is established to look at the effectiveness of the drug-free school zone provisions and to analyze if it has reduced drug related crimes and to study the penalty provisions of the law. The penalty for violations in posted areas will cover the cost of sign replacements. Thus there is no need for fiscal note. Vote 18-0.

Adopted and ordered to third reading.

SB 507-FN-L, increasing fees for bail commissioners. **INEXPEDIENT TO LEGISLATE**

Rep. Edward M. Gordon for Judiciary: This legislation provides for an increase in the fee for bail commissioners from \$15 to \$25. During the testimony before the Committee, concern was expressed regarding the effectiveness of the present system of establishing bail. The Committee believes that the existing bail statutes may need to be reviewed. However, the majority of the Committee does not believe that this limited legislation should form the basis for such a review. Vote 9-8.

Rep. Gosselin moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, and spoke in favor.

Reps. Gordon and Hart spoke against.

Rep. Emerton spoke in favor.

On a division vote, 119 members having voted in the affirmative and 228 in the negative, the motion failed.

Report adopted.

Rep. Hill declared a conflict of interest and did not participate.

SB 530-L, relative to town liability for riot damage. **OUGHT TO PASS**

Rep. Robert A. Lockwood for Judiciary: This bill repeals three archaic statutes that have been declared invalid by the courts. The statutes make municipalities liable for damages caused in a riot even though the municipalities take reasonable and prudent action to prevent the damages. Municipalities will continue to be liable for damages that are their responsibility. Vote 16-2.

Adopted and ordered to third reading.

SB 656, repealing the chapter regarding subversive activities act. **OUGHT TO PASS**

Rep. Tyler P. Harwell for Judiciary: RSA 648 related to subversive activities was long ago found to be unconstitutional and thus itself subversive of our constitutional government. It should never have been enacted into law. The majority of the committee recommends its repeal. Vote 13-4.

Adopted and ordered to third reading.

SB 758-FN, relative to a civil filing fee surcharge for civil legal assistance to low-income persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: New Hampshire Legal Assistance provides much needed services to people in our state who are most in need of having their voices heard. The original bill would have established a new fee to provide this funding. The amendment eliminates the new fee and appropriates \$240,745.00 from the General Fund. The FN calls for state expenditures of \$240,745.00 ending June 30, 1995. Vote 17-1.

Amendment (5684B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to civil legal assistance to low-income persons

and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Legal Assistance. New Hampshire Legal Assistance shall use the appropriation provided for in section 2 of this act to fund the provision of civil legal representation to low-income persons in the state.

2 Appropriation. The sum of \$240,745 is appropriated to the state treasurer for the fiscal year ending June 30, 1995, for the purposes of section 1 of this act. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

The bill makes an appropriation for fiscal year 1995 to be used by New Hampshire Legal Assistance to fund civil legal assistance to low-income persons in New Hampshire.

Adopted.

Rep. Donna Sytek spoke against.

Rep. Newman spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the amended report.

YEAS 229 - NAYS 119

YEAS 229

BELKNAP

Bartlett, Gordon	Dewhirst, Glenn	Hauck, William	Holbrook, Robert
Johnson, Carl			

CARROLL

Allard, Nanci	Beach, Mildred	Cogswell, Richard
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CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Cole, Stacey	DePecol, Benjamin	Foster, Katherine	Kingsbury, H. Thayer
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Metzger, Katherine
Pearson, Gertrude	Perry, David	Pratt, Irene	Richardson, Barbara
Riley, William	Russell, Ronald	Smith, Edwin	

COOS

Bradley, Paula	Coulombe, Henry	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Mears, Edgar	Wiswell, James

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Patricia	Copenhaver, Marion	Crory, Elizabeth	Eaton, Stephanie
Gordon, Edward	Guest, Robert	Ham, Bonnie	LaMott, Paul
Larson, Nils, Jr.	Nordgren, Sharon	Scanlan, David	Teschner, Douglass
Wadsworth, Karen	Ward, Kathleen		

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Amidon, Eleanor
Asselin, Robert	Bergeron, Lucien	Bergeron, Normand	Bowers, Dorothy
Buckley, Raymond	Chabot, Robert	Clemons, Jane	Cote, David
Cowenhoven, Garret	Croity, Edward	Daigle, Robert	Dodge, Emma
Donovan, Francis	Drabinowicz, A. Theresa	Drolet, Paul	Durham, Susan
Dwyer, Patricia	Dyer, Merton	Fields, Dennis	Foster, Linda
Gage, Ruth	Gagnon, Eugene	Gosselin, Gerald	Greenberg, Gary
Haettenschwiller, Alphonse	Hall, Betty	Hart, Nick	Healy, Daniel
Holden, Carol	Holt, David	Holt, Mark	Jasper, Shawn
Jean, Claudette	Johnson, Lionel	Kelley, Robert	Kirby, Thomas
L'Heureux, Robert	Lachut, Ervin	Laughlin, J. Francis	Lown, Elizabeth
Lozeau, Donnalee	Martin, Mary Ellen	Mercer, Robert	Milligan, Robert
Mittelman, David	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Hearn, Jane	Packard, Bonnie	Paquette, Rodolphe	Perkins, Paul

Peters, Stanley
Rothhaus, Finlay
Soucy, Donna
Turgeon, Roland

Philbrook, Paula
Sargent, Maxwell
Soucy, Richard
Wheeler, Robert

Plourde, Alphonse
Searles, Stanley, Sr.
Sullens, Joan
White, John

Reidy, Frank
Smith, Leonard
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Hess, David
Kennedy, Richard
Newland, Matthew
Rogers, Katherine
Yeaton, Charles

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Holmes, Mary
Lockwood, Robert
Owen, Derek
Trombly, Rick

Chandler, John
Feuerstein, Martin
Hager, Elizabeth
Johnson, C. William
Mitchell, Vernon
Plaff, Terence
Wallner, Mary Jane

Coughlin, Anne
Fillion, Paul
Hall, Douglas
Johnson, Joyce May
Moore, Carol
Regan, Maurice
Ward, Jay

ROCKINGHAM

Aranda, M. Kathryn
Case, Margaret
Conroy, Janet
DiPietro, Carmela
Felch, Charles, Sr.
Hurst, Sharleene
Klemm, Arthur, Jr.
Newman, Rick
Schanda, Joseph, Sr.
St. Martin, Tommy
Woods, Deborah

Battles, Marjorie
Caswell, Albert, Jr.
Cote, Charles
Dowd, Sandra
Flanagan, Natalie
Kane, Cecelia
MacDonald, Maurice
O'Keefe, Patricia
Senter, Marilyn
Sytek, Donna

Bell, Juanita
Clark, Martha
Cote, Patricia
Dowling, Patricia
Flanders, John, Sr.
Katsakiores, Phyllis
McGovern, Cynthia
Ritzo, Eugene
Skinner, Patricia
Vaughn, Charles

Campbell, Marilyn
Coes, Betsy
Crossman, Harold, Jr.
Dube, LeRoy
Groves, Bonnie
Klemarczyk, Thaddeus
Miller, Don
Rosencrantz, James
Splaine, James
Williamson, William

STRAFFORD

Brown, George
Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Nehring, William
Sullivan, Henry
Wheeler, Katherine

Brown, Julie
Gilmore, Gary
Hilliard, Dana
McGrath, J. Gregory
Pelletier, Arthur
Torr, Ann

Chagnon, Ronald
Hambrick, Patricia
Keans, Sandra
Merritt, Deborah
Rogers, Rose Marie
Vincent, Francis

Douglass, Clyde
Hashem, Elaine
Kincaid, William
Musler, George
Snyder, Clair
Wall, Janet

SULLIVAN

Allison, David
Flint, Gordon
Peyron, Fredrik

Burling, Peter
Holl, Ann
Schotanus, Merle

Cloutier, John
Kane, Joan

Domini, Irene
Palmer, Lorraine

NAYS 119

BELKNAP

Cain, Thomas
Laffam, Robert
Turner, Robert

Campbell, Richard, Jr.
Lawton, David
Young, Niel

Golden, Paul
Rice, Thomas, Jr.
Ziegra, Alice

Hawkins, Robert
Rosen, Ralph

CARROLL

Bradley, Jeb
Mock, Henry

Dickinson, Howard, Jr.
Phillbrick, Donald

Foster, Robert
Saunders, Howard

Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Delano, Robert

Hunt, John

McNamara, Wanda

Royce, H. Charles

COOS

Foss, Frederic

Merrill, Gerald

GRAFTON

Brown, Channing
Trelfa, Richard

Driscoll, William

Hill, Richard

Rose, William

HILLSBOROUGH

Andrews, Frederick
Cepaitis, Elizabeth
Gervais, Glen
Kelley, Dana
Lessard, Rudy
Pepino, Leo
Upton, Barbara

Arnold, Thomas, Jr.
Desrosiers, William
Holley, Sylvia
Kurk, Neal
McCarty, Winston
Record, Alice
Vanderlosk, Stanley

Burke, M. Virginia
Emerton, Lawrence, Sr.
Hunter, Bruce
Leclerc, Charles
Moncrief, Keith
Rheault, Lillian

Calawa, Leon, Jr.
Ferguson, Charles
Jean, Loren
Lefebvre, Roland
Morello, Michael
Sallada, Roland

MERRIMACK

Barberia, Richard
Kidder, William
Teague, Bert

Buessing, Marjorie
Langer, Ray
Whalley, Michael

Chandler, Earle
Shaw, Randall
Whitemore, James

Houlahan, Thomas
Stapleton, Henry
Willis, Jack

ROCKINGHAM

Arndt, Janet
Chester, Sherman
Flanders, David
Hemenway, Thomas
Katsakiores, George
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Smith, Arthur
Warburton, Calvin

Beaulieu, Jon
Clark, Vivian
Gargiulo, Louis
Hutchinson, Karen
Kruse, Fred
McKinney, Betsy
Pratt, Katharin
Richards, David
Stone, Joseph
Welch, David

Boucher, William
Drake, Herbert
Gorman, Donald
Johnson, Bill
Lee, Rebecca
Moore, Benjamin
Pullman, Robert
Rubin, George
Stritch, C. Donald
Weyler, Kenneth

Bove, Martin
Fesh, Robert
Hazelton, Robert
Johnson, Robert
Lovejoy, Marian
Noyes, Richard
Putnam, Ed, II
Simon, Peter
Sytek, John
Yennaco, Carol

STRAFFORD

Callaghan, Frank
Spear, Barbara

Knowles, William
Torr, Franklin

McKinley, Robert
Torr, Ralph

Pageotte, Donald
Wasson, Richard

SULLIVAN

Behrens, Thomas

Lindblade, Eric

Rodeschin, Beverly

and the report was adopted.

Referred to Appropriations.

Rep. Elizabeth Moore wished to be recorded in favor of the report.

SB 598, extending lapse dates of certain appropriations in 1993, 359 (HB 25-A). **OUGHT TO PASS**

Rep. Sandra B. Keans for Public Works: This bill was introduced because a season of construction was lost when the Capital Budget was vetoed. Almost all state projects, because of the nature of the process, require about two years to complete. Funds in the Capital bill were to lapse July 1995, halfway through the construction season. With this bill, the unexpended funds will remain in place for the extra building season. If we do not pass the bill, we will undoubtedly have to do it in the spring of 1995 so that partially completed projects can be finished. Vote 16-0.

Adopted and referred to Appropriations.

SB 752-FN, relative to signage on highways and signage fees and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for Public Works: The purpose of this bill as amended is to make corrections in RSA 230:49, identified during the rule-making process to implement the so-called "Logo Program" for motorist services on the interstate, turnpike and limited-access highways in the state. Specifically, the amendment (1) establishes distances from exits for

facilities to qualify, (2) requires that the fees established in rules be reasonable and equitable, (3) establishes a revolving fund to receive all fees and to defray all costs, and (4) takes effect upon passage to facilitate implementation for the coming tourist season. Vote 15-0.

Amendment (5611B)

Amend the bill by replacing all after the enacting clause with the following:

1 Signs on Limited Access Highways; Signs; Rulemaking Added; Authority to Impose Fees Added; Distance Established. RSA 230:49 is repealed and reenacted to read as follows:

230:49 Motorist Service Signing Program Established; Signs.

I. The location of fuel and other essential motorist services on connecting service roads within 3 miles of the intersection with the limited access highway, within 5 miles for a campground, or within 1 mile of the intersection in urban compact areas, may be indicated to users of the limited access facility by appropriate signs, the specifications of which shall be determined by the commissioner of transportation. The distance specified shall be measured by computing the travel length from the terminal of an exit ramp to the nearest point along the public highway where the nearest existing driveway entrance to the service is reached.

II. Signs permitted under paragraph I may be rented for a fee established by rules adopted by the commissioner of transportation pursuant to RSA 541-A. The amount of the fee shall be reasonable and equitable and not exceed a fair portion of the cost of implementing and maintaining the motorist service signing program. The amount of fees collected shall be sufficient to ensure the motorist service sign program is self supporting. Fees for motorist-oriented service signing as set forth in paragraph I and collected under this paragraph shall be deposited in the motorist service signing fund established in paragraph III.

III. There is established a special fund to be known as the motorist service signing fund which is hereby authorized as a revolving fund. The fees deposited in the account shall be continually appropriated to the commissioner of the department of transportation for the exclusive purpose of implementing and maintaining the motorist service signing program. The program shall not be dependent on any funding sources other than the fees deposited in the special account. The commissioner of transportation may expend funds in the account to defray administrative, manufacturing, installation and maintenance costs incurred by the department in administering the motorist service signing program.

2 New Subparagraph; Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) Moneys received by the department of transportation under RSA 230:49, II, which shall be credited to the motorist service signing account established in RSA 230:49, III.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and referred to Ways and Means.

SB 553, repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake and permitting a dam to be constructed on Province Lake in the town of Effingham. OUGHT TO PASS

Rep. Janet M. Conroy for Resources, Recreation and Development: In 1913 the state did make a law that created Alpine Lake close within the mountains reach, this pond was formerly Upper Beach.

As a Committee we strongly feel, the law of 1913 should be repealed and Alpine Lake will forever be Upper Beach Pond to you and me.

The Senate amended the bill to read: "To build a dam that Province Lake will need."

A town meeting article in Effingham will raise the money to build said dam.

If not, then those around the lake will ante up the dough and payment make. As a postscript, I'll say, the money was raised on Town Meeting Day. Vote 15-0.

Adopted and ordered to third reading.

REMARKS

Rep. Dickinson moved that Rep. Conroy's remarks correcting the SB 553 Committee statement be printed in the Journal.

Adopted.

Clerk's note: The corrected Committee statement is printed above.

REGULAR CALENDAR (Cont'd.)

SB 541-FN-L, allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alice Barnard Record for Judiciary: The committee was in full concurrence to allow the commissioners of the Department of Health and Human Services to settle small claims with \$100 or less, but claims between \$100 - \$500 must be submitted to the Board of Claims for approval. Vote 16-0.

Amendment (5640B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the commissioner of the department of health and human services to settle small claims against the departments.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Small Claims; Department of Health and Human Services. Amend RSA 126-A by inserting after section 2 the following new section:

126-A:2-a Small Claims.

I. The commissioner may use funds accruing to the department of health and human services for the payment of small claims of \$100 or less occasioned by non-insured personal loss or accidents due to the activities of the department. Any person claiming loss or damage due to the activities of the department in an amount of \$100 or less may make application to the commissioner for payment. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused as a result of the activities of the department, the commissioner shall make payment to the claimant from department funds.

II. Any person claiming loss or damage due to the activities of the department in an amount of less than \$500, but greater than \$100, may make application to the commissioner for payment of such claim. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused because of the activities of the department, the commissioner shall submit a recommendation to the governor and council for approval of payment to the claimant from department funds.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill allows the commissioner of the department of health and human services to settle small claims against the department.

Adopted.

Rep. Alice Record offered a floor amendment.

Floor Amendment (5756B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the commissioner of the department of health and human services to settle small claims against the departments.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Small Claims; Department of Health and Human Services. Amend RSA 126-A by inserting after section 2 the following new section:

126-A:2-a Small Claims.

I. The commissioner may use funds accruing to the department of health and human services for the payment of small claims of \$100 or less occasioned by non-insured personal loss or accidents due to the activities of the department. Any person claiming loss or damage due to the activities of the department in an amount of \$100 or less may make application to the commissioner for payment. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused as a result of the activities of the department, the commissioner shall make payment to the claimant from department funds.

II. Any person claiming loss or damage due to the activities of the department in an amount of less than \$500, but greater than \$100, may make application to the commissioner for payment of such claim. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused because of the activities of the department, the commissioner shall submit a recommendation to the board of claims for approval of payment to the claimant from department funds.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill allows the commissioner of the department of health and human services to settle small claims against the department.

Adopted.

Report adopted and ordered to third reading.

SB 538, establishing a state freshwater fish. OUGHT TO PASS

Rep. Robert L'Hereux for Wildlife and Marine Resources: Since the Brook Trout is indigenous to New Hampshire fresh waters, the Committee felt the Brook Trout truly represented New Hampshire's uniqueness and individuality. Vote 14-0.

Rep. Drake moved to Recommit to Committee.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 14, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 559, relative to international adoptions.

SB 726-FN, changing the title of the division for children and youth services to the division for children, youth and families.

SB 780, expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions.

SB 524, relative to the rulemaking authority of the pesticide control board and the labeling of pesticides.

SB 503, relative to the practice of electrology and the collection of certain fees.

SB 785, establishing a committee to review current procedures of the central registry in the department of health and human services.

SB 515, relative to requirements for alternate jurors.

SB 561, prohibiting the right of setoff against an individual retirement account or a simplified employee pension.

SB 660, relative to settlements on behalf of minors.

SB 722, relative to petitions for declaratory judgments to determine insurance coverage.

SB 798, increasing the exemption amount from attachment and execution for certain personal property.

HR 54, encouraging declassification and dissemination of documents and materials relating to American POW/MIAs.

SB 544-FN-L, relative to the requirements for sprinkler systems.

SB 587, revising the penalty provision for carrying a weapon without a valid license.

SB 536, relative to appropriations for the expansion of the port of Portsmouth.

SB 686, reclassifying a portion of Stratham Heights Road in the town of Stratham.

SB 533, prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board.

HB 1050-FN, establishing the health care transition fund, making certain appropriations, and clarifying the procedure relative to the uncompensated care administration fund.

SB 642-FN, relative to drug-free school zones and creating a special fund for providing and replacing zone signs.

SB 530-L, relative to town liability for riot damage.

SB 656, repealing the chapter regarding subversive activities act.

SB 553, repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake and permitting a dam to be constructed on Province Lake in the town of Effingham.

SB 541-FN-L, allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments.

UNANIMOUS CONSENT

Reps. Teschner and Cole addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 2:49 p.m.

RECESS

(Rep. George Katsakiores in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 576.

Rep. Dunn, Sen. Currier for the Committee

RECESS

(Rep. Newman in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 541, 630, 1136, 1251, 1371 and 1449.

Rep. Dunn, Sen. Currier for the Committee

RECESS

(Rep. Newman in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 123 and 308

Rep. Dunn, Sen. Currier for the Committee

RECESS

(Rep. Bagley in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 195, 449, 1103, 1174, 1255, 1294, 1380, 1399 and 1430 and Senate Bills numbered 515, 533, 553, 642, 660, 780, 722 and 798.

Rep. Dunn, Sen. Currier for the Committee

(Rep. Gagnon in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 1190 and Senate Bills 524, 530, 656 and 785.

Rep. Dunn, Sen. Currier for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 15

Thursday, April 14, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of boundless compassion, as You are patient with us help us to be patient with one another and ourselves; as You continually invite us to new life, help us to be for each similar experience of encouragement. Save us from slavery to personal agendas and grant us the gifts of flexible minds and open hearts so that we may genuinely learn with and from one another and make decisions that serve and celebrate Your will. Amen.

Rep. Perkins led the Pledge of Allegiance.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 57

memorializing State Representative John F. O'Brien

WHEREAS, we have learned with great sorrow of the death of our esteemed colleague John F. O'Brien, who was serving his third consecutive term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, during his tenure as an elected servant of the people of District 4 of Strafford County, John F. O'Brien devotedly and diligently did serve as a member of the Standing Committees on Public Protection and Veterans Affairs; Executive Departments and Administration; and Education, and

WHEREAS, John F. O'Brien was blessed with a wonderful wit and sense of humor, and did have the power to make people laugh heartily, and

WHEREAS, John F. O'Brien, between the years of 1941 and 1945, did serve his country with honor and pride as a member of the First Cavalry Division of the United States Army, and

WHEREAS, John F. O'Brien was a life member of the Disabled American Veterans and a loyal member of the Ancient Order of Hibernians, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that John F. O'Brien be accorded highest praise for his distinguished and faithful service as a legislator, and as a member of the United States Army, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

LEAVES OF ABSENCE

Reps. Martin, Messier, Lovejoy, Nichols, Dodge, Coughlin and Ralph Torr, the day, illness.

Reps. Paul White, Noyes, Behrens, Hilliard, Carl Johnson, Bean, William Riley, Frances Riley, Arthur Smith, Malcolm, LaMott, O'Rourke, Blake, Hess, Daniels, Feuerstein, Whittemore, Crum, Dwyer, Moncrief, Borsa, Sherman Packard, Hazelton, Adams, David Flanders, Mark Holt and Marsha Pelletier, the day, important business.

Reps. Mayhew and Chase, the day, illness in the family.

INTRODUCTION OF GUESTS

Mrs. Richard Patten, guest of Rep. Robert Foster. Mike Philbrook, guest of Rep. Holley. Berlin Middle School students and their teacher, Russell Nolin, guests of the Berlin delegation.

SPECIAL GUESTS

The Portsmouth High School Boys Basketball Class "L" Champions and their assistant coach, Tom McCormick, guests of the Portsmouth delegation.

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 106, removing the requirement that the state vaccinate bovines against brucellosis. (Amendment printed SJ 4, 2/8/94)

Rep. Musler moved that the House concur.
Adopted.

HB 1114, relative to child support enforcement orders. (Amendment printed SJ 10, 3/24/94)
Rep. Holden moved that the House concur.
Adopted.

COMMITTEE REPORTS
CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 580-FN, establishing a committee to study future directions for New Hampshire child care licensing policies, was removed at the request of Rep. Holden.

SB 592, relative to the display of expired motor vehicle plates, was removed at the request of Rep. George Katsakiores.

SB 585, increasing penalties for certain acts of cruelty to animals, was removed at the request of Rep. Drake.

Consent Calendar adopted.

SB 90, relative to child support enforcement and child support payments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah L. Woods for Children, Youth and Juvenile Justice: This bill revises notice and service requirements relative to child support enforcement. It also provides for non-AFDC cases in certain circumstances to have support payments made through the Division without having to petition the court. Vote 17-0.

Amendment (5783B)

Amend RSA 161-B:4, I(b)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) A court, pursuant to RSA 173, has issued a protective order enjoining a parent of a child from abusing or interfering with the liberty of the child's other parent, guardian, or legal representative, and that such order remains in full force and effect at the time the person applies for child support services.

SB 617, establishing a committee to study the problem of suicide among young people. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Children, Youth and Juvenile Justice: Suicide among young people is of deep concern to our committee. In the committee's research it was found that several groups are already involved in the study of youth suicide, including the N.H. Department of Education. In fact, there is a community-wide effort in Goffstown (the sponsor's district) for suicide prevention. This bill would be redundant. Vote 15-0.

SB 677-FN, relative to paternity. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eugene L. Gagnon for Children, Youth and Juvenile Justice: SB 677-FN codified the New Hampshire in-hospital paternity program. Currently, medical records personnel in hospitals offer affidavits to parents when a child is born out of wedlock. The hospital files it with the town or city clerk. This bill also requires that a copy of the affidavit be filed with the Office of Child Support Enforcement Services. Vote 15-0.

Amendment (5703B)

Amend RSA 126:6-a, II-a as inserted by section 3 of the bill by inserting after subparagraph (g) the following new subparagraph:

(h) The director of the division of human services shall adopt rules pursuant to RSA 541-A relative to implementing the director's duties under this paragraph.

Amend RSA 168-a:2, I(b) as inserted by section 4 of the bill by replacing it with the following:

(b) An affidavit of paternity with the clerk of the town where the birth of the child occurred pursuant to RSA 126:6-a, I(b) or II. The affidavit of paternity shall have the legal effect of establishing paternity without requiring further action pursuant to this chapter. The director of the division of human services shall adopt rules under RSA 541-A relative to the affidavit of paternity under RSA 126:6-a.

Amend the bill by replacing section 5 with the following:

5 Chain of Custody. Amend RSA 522:4, III to read as follows:

III. A notarized report of the blood, tissue and/or genetic marker tests, prepared by the appointed experts, shall be admitted at trial *as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy*, unless a written challenge to the testing procedure or results of the blood, tissue and/or genetic marker tests has been filed with the court and delivered to opposing counsel at least 30 days before any hearing set to determine the issue of paternity. Failure to make that timely challenge constitutes a waiver of the right to have the experts appear in person and shall not be grounds for a continuance of the hearing to determine paternity.

IV. If the court's notice of hearing is issued less than 40 days before the hearing to determine paternity, then upon motion by a party setting forth the party's intention to challenge the blood test result, the hearing shall be continued for 45 days.

AMENDED ANALYSIS

This bill establishes a procedure to be used when parents sign an affidavit of paternity. The bill also clarifies when paternity is established for the purposes of child support.

SB 784, establishing a committee to study alternatives to the secure commitment of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah L. Woods for Children, Youth and Juvenile Justice: The subject matter of HB 784 is included in studies already established under the Corrections & Criminal Justice Committee and study committees include all members involved in this proposed legislation. Therefore, this legislation would be redundant. Vote 15-0.

SB 574, relative to credit for reinsurance. **OUGHT TO PASS**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill makes a technical amendment to the credit for reinsurance statute by recognizing that the reinsurer, Lloyds of London, has changed its membership requirements to permit participation of corporations. If this bill is not adopted, New Hampshire domestic insurers would be restricted in their purchase of reinsurance from Lloyds of London, with the result that their ability to write insurance would be restricted. Vote 11-0.

SB 504-FN-A, relative to funding for state literacy programs and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. Nils H. Larson, Jr. for Education: This bill and SB 505 have areas of mutual concern. The committee would like to work on both bills so that legislation can be proposed which is consistent and appropriate. Vote 11-0.

SB 505, establishing a study committee to review the statutory provisions relative to compulsory school attendance. **REFER FOR INTERIM STUDY**

Rep. Nils H. Larson, Jr. for Education: This bill and SB 504 have areas of mutual concern. The committee would like to work on both bills so that legislation can be prepared which is consistent and appropriate in dealing with students at risk. Vote 11-0.

SB 634, establishing a committee to study and promote the use of non-motorized transportation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Burnham for Environment and Agriculture: This bill sets up a study committee to make sure New Hampshire enhances the use of non-motorized transportation both as a method of reducing traffic congestion and air pollution. Vote 17-0.

Amendment (5642B)

Amend paragraph VI of section 3 of the bill by replacing it with the following:

VI. Two representatives of bicycling organizations who represent users of bicycles for transportation rather than recreation, appointed by the governor.

SB 786-FN-L, allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Environment and Agriculture: This bill will allow New Hampshire automobile dealers, on a voluntary basis, to sell in New Hampshire cars built to California Emissions Standards. There is no requirement to sell such vehicles, but this bill will allow customers a choice. Vote 17-0.

Amendment (5735)

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

SB 572-FN, relative to maximum benefit limitations under the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. J. Gregory McGrath for Executive Departments and Administration: This bill makes reference changes to the Federal Tax Code so that the New Hampshire Retirement System will maintain its tax exempt status. The amendment authorizes expending \$3000 from the retirement system administrative account to implement the necessary administrative changes. Vote 12-0.

Amendment (5743B)

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$3,000 is hereby appropriated for the fiscal year ending June 30, 1994, from the New Hampshire retirement system administrative account, to be expended by the New Hampshire retirement system for the purpose of implementing the provisions of section 1 of this act.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes reference changes to the United States Internal Revenue Code relative to maximum benefit limitations under the retirement system statutes.

The bill appropriates \$3,000 for the fiscal year ending June 30, 1994, from the New Hampshire retirement system administrative account in order to implement the provisions of the bill.

Referred to Appropriations.

SB 630, relative to the New Hampshire industrial heritage commission. **OUGHT TO PASS**

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill repeals the lapse date from the current law passed in 1991. It also increases the commission membership from 17 to 25. It further changes the name from "The New Hampshire Industrial Heritage Commission" to "The New Hampshire Industrial Heritage Park". Vote 13-0.

SB 214-FN-L, requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief. **OUGHT TO PASS**

Rep. Joseph E. Stone for Municipal and County Government: This bill requires municipalities to give notice to property taxpayers, as part of their tax bills, of their right to seek abatements, exemptions, credits, and liens. This bill does not mandate. Municipalities can use up the present tax notices. Once used, the new forms will conform to statute requirements. Vote 13-0.

SB 506, allowing matters of state or national concern to be placed on the official ballot used for the election of town officers **INEXPEDIENT TO LEGISLATE**

Rep. Richard Noyes for Municipal and County Government: This seven-line proposal for dealing with a process at the very heart of municipal government includes no resolutions to several issues which would inevitably arise, including who decides and just what is a matter of state or national concern. It seemed to the committee an overly simple solution in search of a problem. Vote 15-0.

SB 528, relative to central business service districts. OUGHT TO PASS

Rep. Richard Noyes for Municipal and County Government: This bill simply broadens the possibilities opened by earlier enabling legislation which has been used to advantage by some municipalities, and had strong support from some who have had favorable results. It allows cities and towns to establish more than one central business service district. Vote 13-0.

SB 537, relative to bonds issued by certain chartered towns. OUGHT TO PASS

Rep. Elizabeth A. Cepaitis for Municipal and County Government: This legislation gives to towns with town-council forms of government authority to issue bonds and/or notes. The appropriate wording inadvertently was omitted in previous legislation. Vote 13-0.

SB 543-FN-A-L, requiring that the department of revenue administration conduct an annual ratio study relative to real estate assessments and sales and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Richard Noyes for Municipal and County Government: This bill, as amended, authorizes the Department of Revenue Administration to do its assigned job in a manner generally agreed by experts, and by our own study committee reviewing assessment practice, to be the right one. Vote 13-0.

Amendment (5763B)

Amend RSA 21-J:3, XXII as inserted by section 1 of the bill by replacing it with the following:

XXII. Annually conduct an assessment/sales ratio study to determine the average level and uniformity of assessment for each municipality in the state, for the purpose of equalization under paragraph XIII.

AMENDED ANALYSIS

This bill requires the department of revenue administration to conduct an annual assessment/sales ratio study to determine the average level and uniformity of assessment for each municipality in the state. The bill makes an appropriation for the study.

Referred to Appropriations.

SB 566-L, relative to membership on city planning boards. INEXPEDIENT TO LEGISLATE

Rep. David W. Hess for Municipal and County Government: Existing law provides a vehicle to address the awkward situations cited as the only basis for this legislation. There is no need for this bill. Vote 13-0.

SB 586, relative to licensing of cats and cat identification. OUGHT TO PASS

Rep. Linda T. Foster for Municipal and County Government: In recognizing that public health is seriously threatened by the rapid spread of rabies, this legislation allows municipalities to license cats in a similar manner as it licenses dogs. If a municipality elects to license cats, it shall require a form of identification approved under rules adopted by the commissioner of agriculture. Vote 12-1.

SB 620-L, standardizing the form used for abatement applications to municipalities. OUGHT TO PASS

Rep. Richard Noyes for Municipal and County Government: The bill simply empowers the Board of Land and Tax Appeal to use a tool (standard form) which will make possible a more efficient fulfillment of its responsibilities, thereby speeding up the process. It mandates no change in policy or in fundamental practice. Vote 12-0.

SB 688-L, relative to redemption of property subject to tax liens for the elderly and disabled. OUGHT TO PASS WITH AMENDMENT

Rep. Richard Noyes for Municipal and County Government: The amendment, which replaces the bill, does two things: it adds the necessary cross-references left off of earlier legislation setting up the elderly exemption lien provision, and it increases from six to nine months the period in which successors to a deceased owner have to resolve the lien by bringing the tax obligation up to date. Since nine months is the standard period of time for settling estates, it is an appropriate period in which to resolve the exemption lien. Vote 15-0.

Amendment (5807B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to redemption of property subject to tax liens for the elderly and disabled and inserting certain references with regard to the exemption for the totally and permanently disabled.

Amend the bill by replacing all after the enacting clause with the following:

1 Tax Sale or Tax Lien Procedure Authorized. Amend RSA 72:38-a, V to read as follows:

V. When the owner of a property subject to a tax lien dies, the heirs, heirs-at-law, assignee or devisee shall have first priority to redeem the estate by paying in full the tax lien plus any interest due. *If the heirs, heirs-at-law, assignees or devisees do not redeem the property within 9 months of the date of death of the property owner, the municipality may commit the accrued amount of the lien to the collector of taxes with a warrant signed by the assessing officials requiring him or her to collect it; and the collector of taxes shall have the same rights and remedies in relation thereto as provided in RSA 76:13 and RSA 80. Prior to holding a tax sale or executing a priority tax lien under RSA 80:59, the collector shall, at least 30 days prior to such tax sale or tax lien execution, send notice by certified or registered mail, to the last known post office address of the current owner, if known, or to the last known address of the deceased taxpayer, and to all mortgagees from whom permission has been sought pursuant to paragraph IV of this section. Any person with a legal interest in the property may redeem it, either prior to the tax sale or tax lien execution, or subsequently as set forth in RSA 80:32 or RSA 80:69.*

2 Transition. For any property upon which a municipality holds an unredeemed tax lien granted pursuant to RSA 72:38-a, and the applicant has died prior to the effective date of this act, the 9-month period as provided in section 1 of this act, after which the amount may be committed to the collector of taxes, shall be deemed to begin upon the effective date of this act.

3 Reference Inserted. Amend RSA 72:33 to read as follows:

72:33 Application for Exemption or Tax Credit. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, *37-b*, 39, 43-b, 43-f, 43-h, 62, 66 and 70 unless he shall have filed with the selectmen or assessors, on or before April 15 of some year, a permanent application therefor signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration showing that the applicant is duly qualified and is the true and lawful owner of the property on which the exemption or tax credit is claimed. Any person who changes his residence after filing such a permanent application shall file an amended permanent application on or before the April 15 immediately following his change of residence. The filing of the permanent application shall be sufficient for said persons to receive these exemptions or tax credits on an annual basis so long as the applicant does not change his residence. If any person, otherwise qualified to receive an exemption or tax credit, shall satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing a permanent application or amended permanent application on or before April 15 of the year in which he desires the exemption or tax credit to begin, said officials may receive said application at a later date and grant an exemption or tax credit thereunder for that year; but no such application shall be received or exemption or tax credit granted after the local tax rate has been approved for that year.

4 Reference Inserted. Amend RSA 72:33-a to read as follows:

72:33-a Application for Exemption or Tax Credit by a Beneficial Interest Owner of a Trust. No beneficial interest owner of a trust owning real estate shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, *37-b*, 39, 43-b, 43-f, 43-h, 62, 66, and 70 unless he shall have filed annually with the selectmen or assessors, on or before April 15, an application therefor signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is duly qualified for the exemption or tax credit, and is the true and lawful beneficial interest owner of the trust owning the real estate on which the exemption or tax credit is claimed. If any beneficial interest owner, otherwise qualified to receive an exemption or tax credit, shall

satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing the application on or before April 15, said officials may receive said application at a later date and grant an exemption or tax credit therefor for that year, but no such application shall be received or exemption or tax credit granted after the local tax rate has been approved for that year.

5 Reference Inserted. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption or tax credit to which he may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, *37-b*, 39, 40, 41, 42, 43-b, 43-f, 43-h, 62, 66, or 70 said applicant may appeal in writing within 6 months of notice of the final tax bill to the board of tax and land appeals which may order an exemption or tax credit, or an abatement if a tax has been assessed. "Notice of the final tax bill" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.

6 Reference Inserted. Amend RSA 74:7-a, II to read as follows:

II. A person who is qualified for an exemption or tax credit under RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, *37, 37-a, 37-b, 39, 43-b, 43-f* [or], 43-h, *62, 66, or 70* and who has filed a proper permanent application for the exemption or tax credit with the proper selectmen or assessors as provided in RSA 72:33 and 72:42 which has been approved by the selectmen or assessors, shall not lose the exemption or tax credit, shall not have the exemption or tax credit rescinded, and shall not be required to file a subsequent application because he is liable for a penalty under paragraph I due to his failure to file a fully completed inventory form on time.

7 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows a municipality to make property subject to a tax sale or the tax lien procedure when the owner of a property subject to a tax lien for the elderly and disabled dies and the heirs, heirs-at-law, assignee or devisee do not redeem the property within 9 months of the death of the owner.

The bill also inserts references as made necessary by the enactment of RSA 72:37-b, exemption for the totally and permanently disabled, in 1993.

SB 648-FN, amending the 10-year highway plan and requiring the department of transportation to construct northbound and southbound entrance and exit ramps on I-93 in the town of Thornton. INEXPEDIENT TO LEGISLATE

Rep. John P. Chandler for Public Works: This Senate bill would add to the ten-year plan a complete new interchange on Interstate 93 in Thornton between the present exits 29 and 30, both of which connect directly with US Route 3 and are only seven miles apart. While it is true that the right-of-way was purchased years ago as a contingency, there are no known traffic problems on US Route 3 and no uncommitted Interstate 4R funds which could be used for this project. More appropriately, this project should be nominated to the regional planning commission for consideration in its regional Transportation Improvement Program (TIP) in mid-1994, and, if favorably recommended to the state, for consideration in the 1995 update of the Statewide Transportation Improvement Program (STIP). Vote 12-1.

SB 764-FN, requiring the department of transportation to maintain and plow an additional one-mile stretch of Tri-Cothic Road in the town of Ellsworth. INEXPEDIENT TO LEGISLATE

Rep. Edwin O. Smith for Road Works: The committee has sympathy for the four families affected by this bill. However, due to the cost in excess of \$375,000, we could not support this concept. State winter maintenance has never been done on this road. Knowing the winter maintenance situation, these four families choose to live year-round on this road. The committee could see that many more similar situations not created by the state would need large amounts of money to correct. Vote 18-0.

SB 766-A, making an appropriation to the department of transportation for the construction of sidewalks in the Weirs Beach area. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Public Works: The sponsor requested that the committee report the bill Inexpedient to Legislate. The Department of Transportation is willing to work with Laconia to fund this project out of Enhancement Funds when and if the application is filed. Vote 16-0.

SB 513, requiring the sweepstakes commission to use instant lottery tickets made from recycled materials. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Regulated Revenues: The committee felt we should not single out one agency to use recycled paper by law. The State has such a policy and the Sweepstakes Commission is complying. Vote 13-0.

SB 512-FN, authorizing a New Hampshire Pearl Harbor survivor special number plate. **REFER FOR INTERIM STUDY**

Rep. Maurice B. MacDonald for Transportation: The Transportation Committee has formed a subcommittee to consider the ramifications of the numerous requests for special motor vehicle license plates. This bill, along with many others, will be considered by this subcommittee in deciding the issue of special plates. To be considered by the subcommittee are larger issues such as our ability to manufacture various series of special plates and the fees to be charged for these plates. Vote 13-0.

SB 563, exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals. **OUGHT TO PASS**

Rep. Sherman A. Packard for Transportation: This bill brings New Hampshire into compliance with federal guidelines and the guidelines that all motorcycle manufacturers are regulated by federal code that requires all motorcycles manufactured after January 1, 1973 be equipped with directional signals. Prior to that date, motorcycles were not manufactured with directional signals. Vote 11-0.

SB 707-FN, lowering the age of eligibility for a nondriver's picture identification card. **OUGHT TO PASS**

Rep. Bernard J. Raynowska for Transportation: Passage of this bill will lower the age from 18 to 16 for those residents who wish to purchase a non-driver's picture identification card. Vote 12-0.

SB 727-FN, extending the driver attitude training program. **OUGHT TO PASS**

Rep. Thaddeus E. Klemarczyk for Transportation: When the driver-attitude-training-for-habitual-offenders bill passed, it was subject to a two-year sunset clause that included a minimum period for loss of license of a habitual offender to be one year. This bill corrects that problem by extending the program until July 1, 1996. Vote 13-0.

SB 511, permitting the executive director of the department of fish and game to impose administrative fines. **OUGHT TO PASS**

Rep. Linda Ann Smith for Wildlife and Marine Resources: The Committee voted unanimously to permit the executive director of the department of Fish and Game to impose administrative fines. This bill will allow the department to assess a lesser penalty than what current law now requires: the revocation of a license. Numerous other agencies already have this ability with exactly the same language. Vote 11-0.

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. McGuirk for Wildlife and Marine Resources: The bill establishes a study committee to examine the issue of use of snares for trapping of fur-bearing animals and other large wild animals. Vote 10-0.

Amendment (5800B)

Amend section 2 of the bill by inserting after subparagraph I(f) the following new subparagraph:

(g) A member of the Farm Bureau Federation of New Hampshire, appointed by the Federation.

SB 569, permitting the checking of traps at night subject to certain restrictions. **OUGHT TO PASS**

Rep. Ervin R. Lachut for Wildlife and Marine Resources: The committee felt that this is a humane issue. It allows the trappers a time frame within their busy schedules to check their traps without interfering with their employment. Vote 11-0.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration beyond the deadline of **HB 1586-FN-L**, regarding victim and law enforcement access to juvenile court records.

Adopted by the necessary two-thirds.

REGULAR CALENDAR

HB 1586-FN-L, regarding victim and law enforcement access to juvenile court records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Children, Youth and Juvenile Justice: Now, in New Hampshire, juvenile records are kept totally confidential unless a juvenile is certified to be tried as an adult. Our committee heard compelling testimony that this confidentiality creates a hardship for victims who are trying to deal with the results of the crime. This bill opens limited information about the perpetrator of certain felonies, including murder, assault and sexual assault to the victim or immediate family members of the victim. The Governor asked that this bill be introduced because the issue has concerned him since his days as Attorney General. The amendment clarifies the intent of the bill. Vote 14-1.

Amendment (5673B)

Amend the title of the bill by replacing it with the following:

AN ACT

regarding victim and law enforcement access to certain confidential information regarding a juvenile offender.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose; Intent.

I. The general court recognizes that minors often commit delinquent acts as a result of youthful immaturity. Consequently, the juvenile justice system strives to protect minors from the debilitating stigma that may follow them throughout life because of their youthful indiscretion. In furtherance of that goal, juvenile records and proceedings are kept confidential to facilitate the minor's successful integration into society. Such confidentiality must be carefully guarded.

II. The general court recognizes, as well, that minors are increasingly committing more serious crimes including murder, assault and sexual assault. Because of the rules regarding confidentiality, victims are prohibited from learning about the circumstances of the case and participating in discussions with the prosecutor regarding the disposition of the case, unless and until the minor is certified to be tried as an adult. Victims also do not receive notice of a minor offender's return to community, unless the minor has been certified and tried as an adult. Such lack of knowledge causes frustration, fosters distrust of the criminal justice system, and prolongs the victim's healing process.

III. This act permits the disclosure of limited information to victims of murder, manslaughter, negligent homicide, attempted murder, first-degree assault, aggravated felonious sexual assault, and felonious sexual assault, and will require the victims to abide by the confidentiality rules. By enacting this legislation, the general court recognizes the competing interests of both minor offenders and victims and appreciates the delicate balance that must exist between them. While protecting the rights of victims, this act is limited in its application to ensure that such disclosure occurs in only the most serious cases and to guarantee that such disclosure is limited.

2 New Section; Access to Information by Victims and Law Enforcement Agencies. Amend RSA 169-B by inserting after section 35 the following new section:

169-B:35-a Access to Information by Victims' Immediate Family, and Law Enforcement Agencies; Definitions; Minor's Rights; Protocol; Confidentiality; Limitations.

I. For the purposes of this section:

(a) "Victim" shall mean a person who suffers direct physical, emotional, or psychological harm as a result of the commission of a violent crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

(b) "Immediate family" shall mean a victim's spouse, parent, sibling, or child; a person acting in loco parentis for the victim; or anyone related to the victim by blood or marriage and living in the same household as the victim.

(c) "Violent crime" shall mean capital, first-degree or second-degree murder, attempted murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, first-degree assault, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, as these crimes are defined by statute.

II. To the extent that the rights provided in this paragraph can be reasonably guaranteed by the courts, law enforcement, and the public agencies charged with the responsibility for the welfare of minors and are not inconsistent with the constitutional rights of the minor, a victim shall be entitled to the rights provided in this paragraph. Consistent with the protocols created pursuant to paragraph III of this section, a victim may request:

(a) In cases where a minor is charged with a violent crime, prior to the disposition of the minor pursuant to RSA 169-B:19 or a transfer hearing pursuant to RSA 169-B:24, to:

(1) Be informed of the name, age, address, and custody status of the minor arraigned or adjudicated for the violent crime;

(2) Be informed of all court proceedings conducted pursuant to RSA 169-B;

(3) Confer with the prosecution and be consulted about the disposition of the case, including plea bargaining;

(4) Be informed of case progress and final disposition;

(5) Have input in the juvenile predispositional report;

(6) Appear and make a written or oral victim impact statement at the dispositional hearing or, in the case of a plea bargain, prior to any plea bargain agreement; and,

(7) Be informed of an appeal, receive an explanation of the appeal process, and receive notice of the result of the appeal.

(b) Subsequent to the disposition of a minor adjudicated for a violent crime, the victim shall receive notice of all review hearings conducted pursuant to RSA 169-B:31 and notice of any change in placement, temporary release or furlough, interstate transfer, parole, run-away, escape, or release of the minor.

(c) When the court's jurisdiction over a minor adjudicated for a violent crime terminates pursuant to RSA 169-B:4 or 169-B:19, the victim and the arresting law enforcement agency shall receive notice of the termination of the court's jurisdiction and any information concerning the minor's intended residence. The arresting law enforcement agency may provide information concerning the location of the minor's intended residence to the law enforcement agency of that location if public safety requires such notification.

III. The department of justice shall develop protocols for the implementation of the provisions of this section to be used by law enforcement personnel, prosecutors, victim witness advocates, the division of children and youth services, and private providers of residential services to delinquents.

IV. It shall be unlawful for a victim or member of law enforcement agency to disclose any confidential information to any person not authorized or entitled to access such confidential information. Any person who knowingly discloses such confidential information shall be guilty of a misdemeanor.

V.(a) Except as expressly provided in this section, nothing in this section shall be construed to provide victims with the right to attend proceedings conducted pursuant to RSA 169-B, 170-H, or 621; to participate in decisions concerning the changes in placement, temporary release or furlough, interstate transfer, parole, or release of a minor adjudicated of a violent crime; or to have direct access to the case records or the court records of a minor adjudicated for a violent crime.

(b) Nothing in this section shall be construed as creating a cause of action against the state, a county or municipality, or any of their agencies, instrumentalities or employees, or private providers of residential services to adjudicated delinquents.

(c) Nothing in this section shall be construed as creating any new cause of action or new remedy or right for a criminal defendant.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill sets forth certain confidential information to which a victim of a juvenile offender shall have access pending the adjudication of delinquency and subsequent to disposition of a delinquency case subject to confidentiality requirements. It also sets forth information to which the law enforcement agency where the adjudicated individual intends to reside shall have access subject to confidentiality requirements.

This bill was requested by the governor.

Adopted.

Report adopted and ordered to third reading.

SB 796, allowing the state board of education to solicit funds to implement character and citizenship education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nils H. Larson, Jr. for Education: This bill authorizes the acceptance of additional funds to support the program of Character and Citizenship Education implemented by the State Board of Education and appropriates money for the State's portion of the program. Vote 14-0.

Amendment (5874B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the state board of education to accept funds to implement character and citizenship education and making an appropriation therefor.

Amend the bill by replacing all after section 2 with the following:

3 Authorization. The state board of education is hereby authorized to accept funds from philanthropic, private and public sources to implement the provisions of this act. Any funds accepted shall be continually appropriated to the state board of education.

4 Appropriation. The sum of \$50,000 is hereby appropriated to the state board of education for the biennium ending June 30, 1995, for the purposes of this act. This sum shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the state board of education to accept funds to implement character and citizenship programs in schools.

This bill also makes an appropriation for the purposes of this act.

Adopted.

Report adopted and referred to Appropriations.

SJR 1, proclaiming 1993-1994 as university of New Hampshire year. **OUGHT TO PASS**

Rep. Charles B. Yeaton for Education: The education committee feels that it is important that the literature recognize the many accomplishments and contributions the University of New Hampshire has made to the lives of the citizens of New Hampshire during the 100 years of its existence. Vote 14-0.

Adopted and ordered to third reading.

SB 527, relative to terms of legislative members of the state board of claims and relative to the jurisdiction of the board of tax and land appeals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen W. Ward for Executive Departments and Administration: The committee agrees that members of the State Board of Claims should be allowed to serve a second six-year term to ensure experience and continuity on the board. The amendment removes a non-germane section to the bill that should be dealt with in separate legislation Vote 13-3.

Amendment (5774B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to terms of legislative members of the state board of claims.

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows a legislative member of the state board of claims who has completed one 6-year term on the board to serve an additional 6-year term.

Adopted.

Report adopted and ordered to third reading.

SB 579-FN, relative to group II death benefits under the New Hampshire retirement system. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will add repeated trauma or gradual degeneration to the causes of death that the Retirement System can use to determine benefits for group II members. The Labor Commission must find that the condition was compensable pursuant to RSA 281-A:43 before the retirement board can act. Any claims for accidental death benefit pending on the effective date of this act will be covered by this act. Vote 11-1.

Adopted and referred to Appropriations.

SB 750-FN, relative to the medical examiner and establishing a committee to study the office of the medical examiner. **OUGHT TO PASS**

Rep. Gerald O. Gosselin for Executive Departments and Administration: This bill updates the present law regarding untimely deaths, regarding removal, personnel giving permission to remove from the scene, autopsies and finally cremation or burial. This bill also sets a new fee for a death certificate. Vote 10-2.

Adopted and referred to Ways and Means.

SB 774-FN, to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine Wells Wheeler for Health, Human Services and Elderly Affairs: This bill increases the eligibility level for Medicaid coverage to a minimum of 185 percent of the federal poverty level for all pregnant women and children up to 18 years of age. Currently, the eligibility level for pregnant women and children up to age 10 is 170 percent. The sum appropriated for this increase shall be a charge against the health care transition fund, if established. Vote 19-0.

Amendment (5869B)

Amend the title of the bill by replacing it with the following:

AN ACT

to increase the medicaid coverage for all pregnant women and children up to 18 years of age and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Increase Eligibility Level for Medicaid Coverage; Technical Changes. Amend RSA 167:68, I to read as follows:

I. Establish by [January 1, 1994] *July 1, 1994*, categorically needy coverage groups under RSA 167:6, VII and Title XIX of the Social Security Act, sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI) and 1902(a)(10)(A)(i)(VII) and establish less restrictive income and resource methodologies under section 1902(r)(2) of Title XIX of the Social Security Act as necessary to [provide medical assistance coverage to all individuals whose family income does not exceed 170 percent] *increase the eligibility level for medicaid coverage to a minimum of 185 percent* of the federal poverty level disregarding resources for a family size equal to the size of the family including the woman, infant or child. This includes:

2 New Subparagraph; Coverage Extended. Amend RSA 167:68, I(d) to read as follows:

(d) Children born after September 30, 1983, who have attained 6 years of age but have not attained 19 years of age[.]; *and*

(e) Children born on or before September 30, 1983, who have not yet attained 19 years of age.

3 Appropriation. The sum of \$1,874,385 for the fiscal year ending June 30, 1995, is appropriated to the division of human services, department of health and human services. The sum appropriated under this section shall be a charge against the health care transition fund if established.

4 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and referred to Appropriations.

SB 775-FN, providing medicaid coverage for adults 18 to 64 years of age. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill requests a federal waiver to allow Medicaid coverage for adults 18 to 64 years of age who have incomes less than the AFDC payment standard. Testimony indicated that this bill would be a savings to local governments that presently often have to pay for medications and emergency health care for this uninsured group. Vote 18-0.

Amendment (5873B)

Amend the title of the bill by replacing it with the following:

AN ACT

providing medicaid coverage for adults 18 to 64 years of age and changing the definition of disability for the purposes of eligibility for aid to the permanently and totally disabled.

Amend the bill by replacing all after the enacting clause with the following:

1 Request for Federal Waiver. The director of the division of human service, department of health and human services, shall request a federal waiver which will allow medicaid coverage to be extended to adults, 18 to 64 years of age who have incomes less than the AFDC payment standard. If the waiver is approved and federal financial participation is secured, then the director of the division of human services shall adopt rules under RSA 541-A to implement this program.

2 Funding. The funds required to implement the provisions of this act shall be derived from the health care transition fund, if established.

3 Definition Changed. RSA 167:6, VI is repealed and reenacted to read as follows:

VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act. In determining disability, the standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children.

4 Effective Date.

I. Section 3 of this act shall take effect December 1, 1995 at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the director of the division of human services, department of health and human services, to seek a federal waiver to provide medicaid coverage for adults 18 to 64 years of age who have income less than the AFDC payment standard. The funds required to implement the provisions of this act shall be derived from the health care transition fund, if established.

This bill also amends the definition of disability of the purposes of eligibility for aid to the permanently and totally disabled so that the change which was to take effect December 1, 1995, will not take effect and the current law will remain in effect.

Adopted.

Report adopted and referred to Appropriations.

SB 548-FN, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: This bill as amended changes the provisions of law regarding the repayment of fees paid by the state for indigent defendants. This bill will cap the amount of repayment assessed and will equalize the amount charged to all persons. Vote 10-5.

Amendment (5750B)

Amend the bill by replacing section 1 with the following:

1 Repayment. Amend RSA 604-A:9, I and I-a to read as follows:

I. Any adult defendant who has had counsel or a public defender assigned to him at the expense of the state shall, provided that the defendant's sentence does not include actual incarceration in the state prison, if the defendant is not placed on probation or sentenced to a period of conditional discharge, be ordered by the court under paragraph I-b to repay the state through the unit of cost containment, [all fees and expenses paid on his behalf] *the fees and expenses paid by the state on his behalf according to a schedule established by the administrator of the cost containment unit with the approval of the administrative justices of the courts* on such terms as the court may order consistent with the defendant's present or future ability to pay, such ability to be determined by the unit of cost containment. [The office of cost containment may collect from the defendant a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant.] *At no time shall the defendant be required to repay an amount greater than the state's flat rate for a public defender.* If the defendant is placed on probation or sentenced to a period of conditional discharge, the defendant shall be ordered by the court to repay the state, through the department of corrections, all fees and expenses paid on his behalf on such terms as the court may order consistent with the defendant's present or future ability to pay.

I-a. Notwithstanding the provisions of paragraph I, any juvenile charged with being delinquent who has had counsel or a public defender assigned to him at the expense of the state, or any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, shall be ordered by the court to repay the state through the unit of cost containment, [all fees and expenses paid on the defendant's behalf] *the fees and expenses paid by the state on the defendant's behalf according to a schedule established by the administrator of the cost containment unit with the approval of the administrative justices of the courts* on such terms as the court may order consistent with the defendant's present or future ability to pay. [The office of cost containment may collect from the defendant or the person liable for his support a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant.] *At no time shall the defendant be required to repay an amount greater than the state's flat rate for a public defender. Liability for repayment under this paragraph shall end when the juvenile reaches the age of majority.*

AMENDED ANALYSIS

This bill requires defendants ordered to repay the state for counsel or a public defender assigned to him under the indigent defense program to repay the fees and expenses paid by the state on his behalf according to a schedule established by the administrator of the office of cost containment with the approval of the administrative justices of the courts. The bill sets certain new guidelines for repayment.

Adopted.

Reps. Newman and Lown offered a floor amendment.

Floor Amendment (5948B)

Amend the bill by replacing section 1 with the following:

1 Repayment. Amend RSA 604-A:9, I and I-a to read as follows:

I. Any adult defendant who has had counsel or a public defender assigned to him at the expense of the state shall, provided that the defendant's sentence does not include actual incarceration in the state prison, if the defendant is not placed on probation or sentenced to a period of conditional discharge, be ordered by the court under paragraph I-b to repay the state through the unit of cost containment, [all fees and expenses paid on his behalf] *the fees and expenses paid by the state on his behalf according to a schedule established by the*

administrator of the cost containment unit with the approval of the administrative justices of the courts on such terms as the court may order consistent with the defendant's present or future ability to pay, such ability to be determined by the unit of cost containment. The office of cost containment may collect from the defendant a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant. *At no time shall the defendant be required to repay, for legal services, an amount greater than the state's flat rate for a contract attorney as established contractually pursuant to RSA 604-B.* If the defendant is placed on probation or sentenced to a period of conditional discharge, the defendant shall be ordered by the court to repay the state, through the department of corrections, all fees and expenses paid on his behalf on such terms as the court may order consistent with the defendant's present or future ability to pay.

I-a. Notwithstanding the provisions of paragraph I, any juvenile charged with being delinquent who has had counsel or a public defender assigned to him at the expense of the state, or any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, shall be ordered by the court to repay the state through the unit of cost containment, [all fees and expenses paid on the defendant's behalf] *the fees and expenses paid by the state on the defendant's behalf according to a schedule established by the administrator of the cost containment unit with the approval of the administrative justices of the courts* on such terms as the court may order consistent with the defendant's present or future ability to pay. The office of cost containment may collect from the defendant or the person liable for his support a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant. *At no time shall the defendant be required to repay, for legal services, an amount greater than the state's flat rate for a contract attorney as established contractually pursuant to RSA 604-B. Liability for repayment under this paragraph shall end when the juvenile reaches the age of majority, except in a case where the juvenile was certified and tried as an adult.*

AMENDED ANALYSIS

This bill requires defendants ordered to repay the state for counsel or a public defender assigned to him under the indigent defense program to repay the fees and expenses paid by the state on his behalf according to a schedule established by the administrator of the office of cost containment with the approval of the administrative justices of the courts. The bill sets certain new guidelines for repayment.

Rep. Lown spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 578-L, relative to the collection of property taxes in certain municipalities. OUGHT TO PASS

Rep. Linda T. Foster for Municipal and County Government: This is enabling legislation which permits certain municipalities to adopt a six-year schedule for collecting taxes. These municipalities will then be able to comply with RSA 76:15c, the process for semi-annual tax collection, in the seventh year. Vote 11-3.

Adopted and ordered to third reading.

SB 644-FN-A, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101. OUGHT TO PASS

Rep. Terence R. Pfaff for Public Works: This bill deals with redesignation and resigning Routes 51, 108 and 101 in the towns of Stratham, Exeter and Hampton. The committee dealt with this issue last year and intended that there be a phasing-in of the new signage as construction went along. Now that the engineering is nearing completion it is becoming evident that the overall project completion will be delayed by as much as two years, necessitating the execution of new signage to help alleviate confusion and improve safety. Vote 17-0.

Adopted and referred to Appropriations.

SB 806, relative to a capital appropriation for repair and restoration of the state house. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Chandler for Public Works: The state house dome repair project authorized in 1991 is back again. In 1993, we appropriated from the unexpended balance \$123,000 to repair and paint the exterior of the state house including the windows and to restore room 120. This Senate bill appropriates \$39,000 more for refurbishing the Senate chamber, re-upholstering of its chairs and repair of its sound system. The Public Works Committee amendment appropriates still another \$20,000 to re-upholster the chairs in the state house cafeteria and Legislative Office Building basement lobby, also from the unexpended balance, but deletes a provision to place any then-remaining balance at the disposal of Joint Legislative Facilities Committee. Vote 13-1.

Amendment (5850B)

Amend the bill by replacing section 1 with the following:

1 Balance from State House Dome Repair Project Appropriation. Amend 1991, 351:1, II, A as amended by 1993, 359:22 to read as follows:

359:22 Appropriation; State House Repairs. Amend 1991, 351:1, II, A to read as follows:

- A. Repair State House dome; repair and paint exterior of State House; repair State House windows; restoration of room 120 in the State House; *refurbish senate chamber; upholster chairs.** \$250,000

* Any anticipated balance from the state house dome repair project in this authorization shall be transferred from the department of administrative services to the general court. Of that balance, \$123,000 is available for repairing and painting the exterior of the state house, repairing the state house windows, and restoring room 120 in the state house; *\$30,000 is available for refurbishing of the senate chamber, including upholstering of chairs and sofas, new carpeting and sound system repair; and \$20,000 is available for upholstering of chairs in the state house cafeteria and the legislative office building basement lobby.*

AMENDED ANALYSIS

This bill allows the balance of a capital appropriation for state house dome repair and state house restoration to be used to refurbish the senate chamber and for certain other state house repairs and refurbishments.

Adopted.

Report adopted and referred to Appropriations.

SB 226-FN, relative to special number plates for reserve members. REFER FOR INTERIM STUDY

Rep. Fred A. Kruse for Transportation: A subcommittee has been formed to consider the ramifications of the numerous requests for special motor vehicle license plates. This bill, along with many others, will be considered by this subcommittee. To be considered are larger issues such as our ability to manufacture various series of special plates and the fees to be charged for these plates. Vote 11-2.

Adopted.

SB 580-FN, establishing a committee to study future directions for New Hampshire child care licensing policies. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth S. Hager for Children, Youth and Juvenile Justice: This bill is no longer needed because its entire content was included in HB 1429-L which was passed by the House last month. Vote 14-0.

Rep. Holden moved Recommit to Committee and spoke in favor.

Adopted.

SB 592, relative to the display of expired motor vehicle plates. OUGHT TO PASS

Rep. Kenneth W. Malcolm for Transportation: This bill, which received unanimous committee support, stipulates that no expired number plates shall be displayed on any motor vehicle registered in New Hampshire. No one appeared or sent letters in opposition to this bill. Vote 13-0.

The Committee offered a floor amendment.

Floor Amendment (5925B)

Amend the title of the bill by replacing it with the following:

AN ACT

making a technical correction to the regulation of the height
of a motor vehicle body and chassis.

Amend the bill by replacing all after the enacting clause with the following:

1 Determining Height of Motor Vehicle. Amend RSA 266:9 to read as follows:

266:9 Height of Motor Vehicle Body and Chassis. No person shall change the height of, or alter a bumper of, a private passenger vehicle so that the height of any horizontal bumper falls below the minimum distance of 16 inches or above the maximum distance of 20 inches. No person shall change the height of, or alter a bumper of, any vehicle other than a private passenger vehicle so that the height of any horizontal bumper falls below the minimum distance of 16 inches or above the maximum distance of 30 inches. Measurement shall be made from the level ground to the bottom of the bumper with tires inflated to manufacturer's maximum air pressure. If a vehicle is not commonly manufactured with a rear bumper, measurement shall be made to the bottom edge of the chassis frame siderails. No motor vehicle that has been changed or altered so as to exceed the limitations of this section shall be driven on any way without the prior approval of the director. For the purpose of this section, in addition to the definition contained in RSA 259:81, the term "private passenger vehicle" shall mean a vehicle that has no provision for carrying a load other than a conventional [truck] *trunk* or the cargo area of a station wagon or similar type of vehicle.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill corrects a typographical error in RSA 266:9 by changing the word "truck" to "trunk".

Rep. George Katsakiores spoke in favor.

Rep. Jasper spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

REMARKS

Rep. George Katsakiores moved that the remarks of Rep. Jasper and the question by Rep. Trombly be printed in the Journal.

Adopted.

Rep. Jasper: Thank you Mr. Speaker. Some of you may have read about the problem that exists in the law with this. The sentence doesn't read properly now. It says, "other than a conventional truck." That really doesn't make sense. What it is supposed to say and was intended to say is, "other than a conventional trunk." I have a constituent who has been found guilty of the height violation because the judge and the police said because of that wording pickup trucks can only have bumpers 20 inches high. If any of you have bumpers on pickup trucks you know that they are usually well over 20 inches. In fact, this Legislature intended that bumpers on pickup trucks should be up to 30 inches. We need to correct this so people will not be convicted and fined and have to pay additional insurance on this. The original bill dealt with expired license plates. There is a problem with that bill as drafted and that is why it is no longer here. The problem is that we specifically have a statute, I believe it is 266:89, which says you may display an expired license plate on an antique vehicle manufactured in 1942 or prior to that. There are also issues about antique vehicles newer than that displaying a third license plate if they have two valid antique plates. Bob Dunn was not in this week. Bob Turner was not available at the time and there were some other issues that came up. We felt that it was important that we correct it in the right manner. Since it seemed obvious this would go to a Committee of Conference, it would give us the time to work out the problems in the original bill if the Senate wishes to do that. I would urge that you adopt this floor amendment and that you let the process go forward. I'm sure we will go to a Committee of Conference, and hopefully, we can take care of both of the problems that seem to exist at the present time.

Rep. Trombly: Rep. Jasper, whereas this was just a typographical error and at least one citizen was erroneously convicted of a violation of this statute, don't you believe this was

also the intent of the legislature to direct a judge to look favorably upon and grant a motion to annul the record of any person convicted of violating the statute if such a motion is filed?

Rep. Jasper: Thank you very much Rep. Trombly. I would certainly hope so and I appreciate the question.

REGULAR CALENDAR (Cont'd.)

SB 585, increasing penalties for certain acts of cruelty to animals. **OUGHT TO PASS**

Rep. Paul A. McGuirk for Wildlife and Marine Resources: This bill does not change the basic wording in current RSA's but does increase the penalties for animal cruelty and will give the judicial system a more effective method of control. Vote 12-0.

Rep. Drake moved to Recommit to Committee and spoke in favor.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 19, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 90, relative to child support enforcement and child support payments.

SB 677-FN, relative to paternity.

SB 574, relative to credit for reinsurance.

SB 634, establishing a committee to study and promote the use of non-motorized transportation.

SB 786-FN-L, allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire.

SB 630, relative to the New Hampshire industrial heritage commission.

SB 214-FN-L, requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief.

SB 528, relative to central business service districts.

SB 537, relative to bonds issued by certain chartered towns.

SB 586, relative to licensing of cats and cat identification.

SB 620-L, standardizing the form used for abatement applications to municipalities.

SB 688-L, relative to redemption of property subject to tax liens for the elderly and disabled.

SB 563, exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals.

SB 707-FN, lowering the age of eligibility for nondriver's picture identification card.

SB 727-FN, extending the driver attitude training program.

SB 511, permitting the executive director of the department of fish and game to impose administrative fines.

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping.

SB 569, permitting the checking of traps at night subject to certain restrictions.

HB 1586-FN-L, regarding victim and law enforcement access to certain confidential information regarding a juvenile offender.

SJR 1, proclaiming 1993-1994 as university of New Hampshire year.

SB 527-FN, relative to terms of legislative members of the state board of claims and relative to the jurisdiction of the board of tax and land appeals.

SB 548-FN, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants.

SB 578-L, relative to the collection of property taxes in certain municipalities.

SB 592, relative to the display of expired motor vehicle plates.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 1:50 p.m.

RECESS

(Rep. Woods in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 786.

Rep. Dunn for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 16

Tuesday, April 19, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Father Amie Boisselle Pastor of the Sacred Heart Roman Catholic Church in Concord.

Creator of the Universe, You are the world's true sun, ever rising, never setting, Whose life-giving warmth engenders, preserves, nourishes and gladdens all things in heaven and earth. Shine in our heart so that we may have the fire of Your love; scatter selfish thoughts that we may not ignore the needs of others; blaze within us so we may radiate Your goodness to men and women. You have bequeathed us Your commandments, Your laws and Your teachings of justice. You created human beings to be Your messengers, protectors of the weak and servants of just causes. Your light illumines our minds, reminding us always that life is based on justice. Grant us courage, strength and prudence to be worthy messengers of Your eternal justice and truth. Almighty Father, grant us, we pray, to be grounded and settled in Your truth; that which we know not, reveal; that which is wanting in us, fill up; that which we know, confirm and keep us blameless in Your service. You are the creator of the human family, help us grow in Your love and in Your power, so that we may be true signs of Your presence. May the love that we show each other be a genuine expression of our common kinship as one family. Help us in all we do to be builders of family and of community. For this we pray. Amen.

Rep. Dunn led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Whittemore, Adams, Chabot, Rheault and Warburton, the day, illness.

Reps. Dwyer, Ruth Gage, Crum, Joyce Johnson, Richards, Fenton, Hawkins, Milligan, Drake, Robert Kelley, Peyron, Blake, Bean, Christie, Buco, Moncrief, David Flanders and Marilyn Campbell, the day, important business.

Reps. Mayhew and Mock, the day, illness in the family.

INTRODUCTION OF GUESTS

Beth Barker, guest of Rep. Record, Grade 4 students from Stratham Memorial School and their teachers, Deb Craig and Marsha Stone, guests of Reps. Woods and Rubin. Bob Harcke, guest of Rep. Edwin Smith. Student engineers from France, Raymond Demoit, Herve Poillot and Emmanuelle Boirin, guests of Rep. Pageotte. Martha and Luke Teschner and William, Jean and Robert Weaver, wife, son and inlaws of Rep. Teschner.

GUEST ON THE ROSTRUM

Ben Teschner, the third-grade artist whose drawing is on the Burger King tray liners for Buckle Up NH month, and son of Rep. Teschner, guest of the House.

SENATE MESSAGES CONCURRENCE

HB 127-FN, relative to private lease of state railroad real estate.

HB 134, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and repealing the law governing the sale of wood.

HB 325, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates.

HB 370, establishing a local government advisory committee.

HB 387, relative to the use of gender neutral language in New Hampshire.

HB 388, relative to disclosures by the seller of real property.

HB 410-L, relative to the appointment of a deputy town treasurer and the swearing in of town officers.

HB 411-FN-L, relative to the hours of polling in cities and towns.

HB 610-FN, requiring joint registration for primary craft and their tender.

HB 1117, relative to new motor vehicle arbitration.

HB 1124, extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county.

HB 1151, prohibiting the use of certain motorized craft on Spoonwood Pond in the town of Nelson.

HB 1154, establishing a committee to study the feasibility of establishing a separate arbitration board for recreational vehicle defects.

HB 1157, extending the time for a motion for rehearing under RSA 541.

HB 1164, requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody.

HB 1176, requiring a writ of habeas corpus to be filed in the superior court of the county in which the person is incarcerated.

HB 1184-FN-L, establishing a committee to study the foreign exchange student programs in New Hampshire.

HB 1188, increasing the penalty for killing a police dog or police horse.

HB 1189, relative to emissions testing and establishing a committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act.

HB 1222, requiring that recounts of certain secret ballot votes take place at the town or school district meeting.

HB 1238-L, relative to time computation for purposes of statutory construction.

HB 1252, allowing mail claims in certain instances in filing for unemployment compensation, relative to disqualification for benefits due to self-employment, and relative to eligibility requirements for benefits.

HB 1293, amending the charter of the Union school district of Keene.

HB 1323-FN, requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates.

HB 1337, relative to designating a managing broker in a real estate branch office in the event of a vacancy.

HB 1345, relative to payments to the state treasurer.

HB 1356-FN, relative to the duties of the members and the director of the state veterans council.

HB 1364, changing the renewal date for a license to carry a pistol or revolver.

HB 1367, creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation.

HB 1369, requesting the judicial council to study issues regarding faxed documents.

HB 1392, making a second or subsequent obscenity violation a class B felony and modifying a definition of sexual conduct.

HB 1394, reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle.

HB 1410, relative to zoning board of adjustment rehearings.

HB 1413, An act relative to the report of the public water rights study committee.

HB 1419-FN-L, relative to calculation of fees for motor vehicle registration permits.

HB 1438, adopting the striped bass as the state saltwater game fish.

HB 1463, modifying the definition of angling.

HB 1474-L, allowing towns to maintain emergency lanes on class VI highways and private ways.

HB 1477, changing the judicial district for Thompson and Meserve's Purchase.

HB 1543-FN-A, relative to interest from youth development center resident trust accounts, allowing the administrator to establish other accounts, and changing the title of the "bureau of secure care" to the "bureau of residential services."

HB 1552-FN-L, relative to the certification of employer contributions by the retirement system board of trustees.

HB 1568-FN-L, requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution.

HB 1582-FN, relative to state house health services.

HCR 29, clarifying legislative intent on issues of local school board control.

HCR 31, urging that the northern forest of New Hampshire continue to be used to provide jobs for timber industry, recreation, and tourism.

HJR 22, urging Congress to pass the Federal Mandates Relief Act of 1993.

CONCURRENCE WITH AMENDMENTS

SB 544-FN-L, relative to the requirements for sprinkler systems.

SB 559, relative to international adoptions.

SB 561, limiting the right of seizure, setoff, or attachment against an individual retirement account or a simplified employee pension.

SB 686, reclassifying a portion of Stratham Heights Road in the town of Stratham.

SB 786-FN-L, allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire.

NONCONCURRENCE

HB 1274-FN, establishing a committee to examine the impact of changing the name of the department of fish and game to the department of wildlife and marine resources.

HB 1304, relative to licensure of humane societies without animal shelters.

HB 1412, prohibiting any person who is receiving, or whose spouse is receiving, retirement system benefits from serving as a member of the New Hampshire retirement system board of trustees.

HB 1550, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 404, relative to the prohibited coercion of employees to make political contributions. (Amendment printed SJ 11, 4/14/94)

Rep. Flanagan moved that the House concur.

Adopted.

HB 1506-FN-L, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail. (Amendment printed SJ 11, 4/14/94)

Rep. Flanagan moved that the House concur.

Adopted.

HB 1411-L, enabling municipalities to establish geographic information systems and charge fees for their use. (Amendment printed SJ 11, 4/14/94)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 1211, relative to the authority of municipal water departments and to fee charged by such departments. (Amendment printed SJ 11, 4/14/94)

Rep. Rodeschin moved that the House concur.

Adopted.

HB 1171, relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services. (Amendment printed SJ 11, 4/14/94)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Dickinson, Kirby, Whalley and Merritt.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership, was removed at the request of Rep. Welch.

SB 708-FN, permitting the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee, was removed at the request of Rep. Felch.

Consent Calendar adopted.

SB 598, extending lapse dates of certain appropriations in 1993, 359 (HB 25-A). **OUGHT TO PASS WITH AMENDMENT**

Rep. Frances L. Riley for Appropriations: The projects which were arrested when the capital budget veto was being considered have reached their lapse dates. This legislation extends these lapse dates to enable the projects to continue. Vote 16-0.

Amendment (5987B)

Amend the title of the bill by replacing it with the following:

AN ACT

extending lapse dates of certain appropriations in
1993, 349 (HB 1) and 1993, 359 (HB 25-A).

Amend the bill by inserting after section 2 the following and renumbering section 3 to read as 4:

3 Lapse Date Extension. Amend PAU 02, 01, 04 class line 91 as inserted by 1993, 349:1 to read as follows:

	<i>FY 1994</i>	<i>FY 1995</i>
91 Jury expense	<i>F</i> \$101,218	

AMENDED ANALYSIS

This bill extends the lapse dates for certain appropriations made in the 1993 capital budget to compensate for lost construction time while the governor's veto was being considered.

The bill also extends the lapse date for an appropriation made in the 1993 operating budget for a pilot program eliminating trial de novo in superior courts in Rockingham county.

SB 670-FN, making technical corrections to the securities laws and relative to fees for securities registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill addresses the concerns of the Securities Department with the sale of so-called initial public offerings to the general public by establishing rules of suitability of sale modeled on existing federal legislation. It also provides for an expanded investigatory department and more activity in the field of investor education. A further amendment reinstates the corporate charter of the Union International Corporation of Manchester. This is in accord with custom in the case of lapsed charters. Vote 15-1.

Amendment (5895B)

Amend the title of the bill by replacing it with the following:

AN ACT

making technical corrections to the securities laws, relative
to fees for securities registration, and reinstating the
charter of the Union International Corporation.

Amend RSA 421-B:15, IX-a as inserted by section 10 of the bill by replacing it with the following:

IX-a. Any person who fails to file a sales report required by rules adopted pursuant to this section shall forfeit to the state \$25 for each day of delinquency, provided, however, that the secretary of state may, for good cause shown, abate all or a portion of said delinquency penalty.

Amend RSA 421-B:17, I(f) as inserted by section 12 of the bill by inserting after subparagraph (4) the following new subparagraph:

(5) The secretary of state shall adopt rules relative to suitability requirements for investors purchasing securities offered pursuant to subparagraph (f)(1)(i). For the purposes of adopting the initial set of rules as provided by this section the secretary of state shall be authorized to adopt emergency rules as provided in RSA 541-A:3-g, notwithstanding the requirement under RSA 541-A:3-g, I, requiring an imminent peril to public health or safety.

Amend RSA 421-B:26 as inserted by section 22 of the bill by inserting after paragraph VI the following new paragraph:

VII. Any person ordered to make rescission, restitution, disgorgement, or repurchase pursuant to paragraph V or VI of this section shall be entitled to a trial de novo in the Merrimack county superior court.

Amend the bill by replacing all after section 29 with the following:

30 Reinstatement of Corporate Charter. The charter of Union International Corporation of Manchester; New Hampshire, incorporated on March 26, 1986, was forfeited on November 1, 1990, under RSA 293-A:95, I(a). Upon payment of any fees in arrears and the filing with the secretary of state of any returns required by law, Union International Corporation shall be reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to November 1, 1990.

31 Investor Protection; Funding. Notwithstanding any other law to the contrary, the secretary of state may use moneys credited to the investor education fund created by RSA 421-B:26, IV, to provide investor protection and to investigate and resolve investor complaints or inquiries concerning securities offerings, broker-dealers, agents or investment advisors.

32 Effective Date.

I. Sections 19, 23, 24, 29, 30 and 31 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes technical corrections to RSA 421-B, the state securities laws. The bill establishes certain fees for securities registration.

The bill reinstates the charter of Union International Corporation.

This bill is a request of the bureau of securities regulation, department of the state.

Referred to Ways and Means.

SB 517, making it a crime to obstruct the reporting of a crime or a bodily injury. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: This bill makes it a misdemeanor to obstruct a report of crime or injury or a call for emergency medical assistance. The amendment changes some of the wording and also deletes a felony provision. Vote 12-0.

Amendment (6007B)

Amend RSA 642:10 as inserted by section 1 of the bill by replacing it with the following:

642:10 Obstructing Report of Crime or Injury.

I. A person shall be guilty of an offense under this section who disconnects, damages, disables, removes, or uses physical force or intimidation to block access to any telephone, radio, or other electronic communication device with a purpose to obstruct, prevent, or interfere with:

(a) The report of any criminal offense to any law enforcement agency; or

(b) The report of any bodily injury or property damage to any law enforcement agency; or

(c) A request for ambulance or emergency medical assistance to any governmental agency, or any hospital, doctor, or other medical service provider.

II. It shall be an affirmative defense to prosecution under this section that the actor reasonably believed his conduct to be necessary to prevent a criminal false alarm.

III. Obstructing report of a crime or injury is a misdemeanor.

SB 535-FN, relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans and providing for indemnification of board members, officers, and employees of the higher education and health facilities authority. **OUGHT TO PASS**

Rep. Patricia M. Skinner for Education: Permits the New Hampshire Higher Education Loan Corporation to broaden its secondary market for higher education loans to longer term sources of capital exempt bonds to support educational loans that provide an efficient stable secondary market. Vote 15-0.

SB 560, requiring participating districts in AREA school systems to negotiate withdrawal plans. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. Hutchinson for Education: This measure affects AREA school agreements and would affect many districts. At this time, it would be irresponsible to pass this legislation because the impact on bond issues and negotiated agreements would be detrimental to all. Vote 20-0.

SB 647, relative to compulsory attendance. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia B. Brown for Education: This bill requires a child — between the ages of 16 and 18 wishing to withdraw from school — to meet with the principal or his/her designee and to obtain written approval from the child's parent or guardian 60 days prior to withdrawal. A waiver of the 60 days may be granted at the discretion of the school board. Vote 20-0.

Amendment (5878B)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Consent for Withdrawal From School Required. Amend RSA 193:1 by inserting after paragraph III the following new paragraph:

IV. Any child at least 16 years of age and under 18 years of age who wishes to terminate such child's public or nonpublic education prior to graduating from high school shall do so only after a conference with the principal or designee. The principal shall request a conference with the parent, guardian, or other custodian. Written approval of withdrawal must be received from such child's parent, guardian, or other person residing in the state and having custody or charge of such child at least 60 days prior to withdrawal. However, a waiver to the 60-day notice requirement may be granted at the discretion of the school board. The written approval shall be dated and the signature witnessed by the principal of the school where the child is in attendance, or the principal's designee.

AMENDED ANALYSIS

This bill requires any child between 16 and 18 years of age who wishes to terminate such child's education to meet with the principal and provide written approval of the withdrawal, signed by such child's parent, guardian or custodian, at least 60 days prior to withdrawal. A waiver to the 60-day notice requirement may be granted at the discretion of the school board.

SB 690, establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley N. Searles, Sr. for Education: This bill establishes a committee to study the feasibility of involving the university system in the training of state employees. Vote 19-0.

Amendment (5901B)

Amend paragraphs I and II of section 2 of the bill by replacing them with the following:

I. Two members of the senate, one of whom shall be a member of the senate executive departments and administration committee, appointed by the president of the senate.

II. Two members of the house, one of whom shall be a member of the house executive departments and administration committee, appointed by the speaker of the house.

SB 675-FN, permitting the propagation and sale of Virginia white-tailed deer. INEXPEDIENT TO LEGISLATE

Rep. Betsy A. Coes for Environment and Agriculture: Virginia white-tailed deer is the species found in New Hampshire. Testimony was strongly against the importation of white-tails because this would also allow the importation of disease to our native herd. New Hampshire presently allows importation and propagation of sika, red and fallow deer, and elk. Vote 17-0.

SB 545-FN, relative to the salary of the executive director of the pharmacy board. INEXPEDIENT TO LEGISLATE

Rep. Kathleen W. Ward for Executive Departments and Administration: This bill is reported ITL at the request of the sponsor and the Board of Pharmacy. The Board was not aware of some of the changes that would occur in the change from classified employee to unclassified employee. The Board will pursue another approach to address its concerns. Vote 13-0.

SB 565-FN, relative to state contracts. OUGHT TO PASS

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation was requested by the Joint House/Senate/Executive Private Sector committee on privatization. The bill raises the dollar amounts for purchase and contracts to a more reasonable level versus the amounts established in 1979. Vote 12-0.

SB 575-FN, modifying the dental practice act. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra K. Dowd for Executive Departments and Administration: The bill provides provisions to modify the dental practice act. The bill deletes the provision requiring inactive registration fee to be 75% of the active registration fee. It also deals with infection control guidelines and other changes in the dental practice act. Vote 16-0.

Amendment (6003B)

Amend the title of the bill by replacing it with the following:

AN ACT

modifying the dental practice act, and authorizing the attorney general
to hire an investigator and a stenographer.

Amend the bill by inserting after section 4 the following and renumbering section 5 to read as 6:

5 Attorney General Authorized to Fill Positions. The attorney general is authorized to hire, as of the effective date of this act, one investigator in Group J and one legal stenographer III at labor grade 12.

AMENDED ANALYSIS

This bill provides that new licensure requirements shall be met by those who allow their licenses to lapse, deletes the provision requiring the inactive registration fee to be 75 percent of the active registration fee, specifies guidelines for infection control, and makes a technical correction changing the terms "widow" and "wife" to "spouse."

This bill also authorizes the attorney general to hire an investigator and a legal stenographer.

Referred to Appropriations.

SB 612, relative to the electricians' licensing board. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill brings up to date some changes that have occurred within the electricians board and its staff. It also spells out the years of service required by an apprentice electrician. This change was requested by the board at the suggestion of the Joint Legislative Committee on Administrative Rules. Vote 13-0.

Amendment (5945B)

Amend the bill by replacing section 5 with the following:

5 Years of Service as Apprentice Electrician. Amend RSA 319-C:7, II(a) to read as follows:

(a) [At least] **Between 2 and 4** years' service as an apprentice electrician. The board may give credit toward such service for the satisfactory completion of a course of instruction in the field at a school [approved] **recognized** by the board; and

AMENDED ANALYSIS

This bill clarifies that, except when working for certain corporations or partnerships, journeyman electricians are to be employed by master electricians.

The bill limits members of the electricians' board to 2 terms.

The bill requires that an applicant for a license as a journeyman or master electrician serve between 2 and 4 years as an apprentice.

The bill eliminates the position of executive secretary.

The bill also makes other technical corrections.

The bill also makes a person who fraudulently represents himself as a licensed journeyman or master electrician guilty of a misdemeanor.

SB 640-FN, abolishing the advisory board of massage practitioners, establishing a regulatory board of massage practitioners, and specifying the board's duties, rulemaking authority, and fee collection procedures. REFER FOR INTERIM STUDY

Rep. Sandra K. Dowd for Executive Departments and Administration: This bill is a major revamping of the statute i.e., abolishing the advisory board of massage practitioners and establishing a regulatory board, plus other major changes. We had more questions than answers and felt this bill should be studied. Vote 14-0.

SB 641-FN, relative to group II retirement system membership for peace officers in the division of safety services. OUGHT TO PASS WITH AMENDMENT

Rep. Ray F. Langer for Executive Departments and Administration: This action makes Marine Patrol Officers eligible for Group II coverage under RSA 100-A:1. The subcommittee received past correspondence that convinced the members that this was a correct move for it places all personnel employed in this position in the same category. Vote 14-0.

Amendment (5961B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to group II retirement system membership for full-time
marine patrol officers in the division of safety services.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Definition of Permanent Policeman. Amend RSA 100-A:1, VII by inserting after subparagraph (d) the following new subparagraph:

(e) Full-time marine patrol officers employed in the department of safety who have all the powers of a peace officer under RSA 270:12-a.

AMENDED ANALYSIS

This bill adds full-time marine patrol officers employed in the department of safety who have all the powers of peace officers, to the definition of "permanent policeman" for the purposes of group II membership in the New Hampshire retirement system.

Referred to Appropriations.

SB 664, relative to laid off state employees whose positions are federally funded. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will require, if the Legislature enacts any benefits for laid-off employees, such benefits will apply to all state employees regardless of their source of funding. Vote 14-0.

SB 669-FN, relative to creditable service under the retirement system for time during which a person is receiving workers' compensation. OUGHT TO PASS

Rep. Kathleen W. Ward for Executive Departments and Administration: This bill would allow persons who have been on workers' compensation to have one year of the time they were on workers' compensation counted as creditable worktime for purposes of retirement. This bill is necessary to make the statute compatible with our new state workers' compensation law. Vote 15-0.

Referred to Appropriations.

SB 797, repealing the ability of state agencies to be exempt from the purchase of recycled paper products. INEXPEDIENT TO LEGISLATE

Rep. Gerald O. Gosselin for Executive Departments and Administration: This bill would have required without exception the use of recycled paper for all state agencies. It made no provisions for any paper which would have required a special type of paper or possibly, safety paper which has to be used for some departments. Also, one of the sponsors requested that it be ITL. Vote 13-0.

SB 803, relative to land surveyor licensing examinations. OUGHT TO PASS WITH AMENDMENT

Rep. William P. Boucher for Executive Departments and Administration: The bill was sent to a subcommittee for additional information based on the public hearing. The vote of the

subcommittee was 4-0, and the full committee voted 15-0 for the amendment which added clarifying information in the area of credit for completing the requisite years of professional experience. Vote 15-0.

Amendment (5926B)

Amend the bill by replacing section 1 with the following:

1 Three Examination Failures Require Additional Requirements Prior to Reexamination. Amend RSA 310-A:66 to read as follows:

310-A:66 Examinations.

I. The board, upon application and payment of a fee, shall provide a written examination in fundamentals of land surveying. [The board shall provide a professional examination for those who have passed the fundamentals examination or are otherwise qualified to take the professional examination without regard to experience criterion. However, those who have successfully passed the fundamentals examination and the professional examination shall not be licensed until they have also complied with the requirements of experience.] *Upon application and payment of the fee, and after successfully passing the fundamentals examination and completing the requisite years of professional experience, the board shall provide a written professional examination.*

II. Examinations shall be held at such time and place as the board shall determine. The scope of the examination and the method of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination at the expiration of 6 months. Subsequent examination will be granted upon payment of [a] *the fee to be determined by the board. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to take the examination again.*

AMENDED ANALYSIS

This bill revises the professional examination provision for land surveyors and requires an applicant who has failed the examination 3 consecutive times to provide evidence of additional experience, study, or education before being eligible for reexamination.

SB 510, eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill changes the provision that requires a separate sink for each independently operated booth. This provision created a hardship for cosmetologists, and the bill corrects the statute. Vote 19-0.

Amendment (5871B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SB 576, relative to disease control. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alphonse Haettenschwiller for Health, Human Services and Elderly Affairs: The bill amends current law on communicable disease to clarify certain authorities of the director or designee and authorizes injunctive relief to prevent violations of such law. Vote 18-0.

Amendment (5604B)

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Clarification. Amend RSA 141-C:17 to read as follows:

141-C:17 Purchase; Distribution. The director may purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents which [he] *the director* deems advisable in the interest of health [for the treatment and control of infectious diseases]. The director shall adopt rules relative to the distribution of these pharmaceutical agents.

SB 604 FN, relative to the Medicaid look-back provisions for applicants for public or medical assistance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: This legislation changes the Medicaid look-back to 60 months for trusts instead of the current 30 and 36 months for transfer of property. Public assistance will be denied in accordance with the rules of the Division of Human Services as are currently being implemented. Vote 19-0.

Amendment (5638B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the medicaid look-back provisions for applicants for public or medical assistance and authorizing the commissioner of the department of health and human services to adopt rules relative to the compensation of the members of the drug use review board.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Rulemaking; Drug Use Review Board. Amend RSA 126-A:4 by inserting after paragraph IV the following new paragraph:

IV-a. The commissioner shall adopt rules pursuant to RSA 541-A relative to the compensation of the members of the drug use review board.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the Medicaid look-back provisions to transfers of property for less than fair market value within 36 months or for payments from a trust or portions of a trust that are treated as assets within 60 months immediately preceeding application. Any person whose transfer of property meets these criteria shall be denied public assistance only in accordance with the rules of the division of human services. The current law looks to transfers of property made 30 months preceding an application for assistance.

This bill also authorizes the commissioner of the department of health and human services to adopt rules relative to the compensation of the members of the drug use review board, which is established under the rules of the division of human services.

SB 613, relative to administrative fines for violations of the emergency medical services law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Health, Human Services and Elderly Affairs: This legislation corrects any oversight when emergency medical services rules were recodified. It permits the director of the Division of Public Health Services to adopt rules imposing administrative fines for violation of EMS rules. The amendment clarifies that agencies as well as persons are subject to fines. Vote 14-0.

Amendment (5859B)

Amend RSA 151-B:19-a as inserted by section 2 of the bill by replacing it with the following:

151-B:19-a Administrative Fines. The director, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person or entity licensed under this chapter who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The director shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

SB 639, relative to medical records and the fee for retrieving medical record copies. **IN-EXPEDIENT TO LEGISLATE**

Rep. Alson W. Brown for Health, Human Services and Elderly Affairs: The majority of the committee believes this bill to be flawed and lacking necessary information. It deals with fees for in-state and out-of-state retrieval of medical records. It is best handled through a new bill submitted at a later date. Vote 18-1.

SB 658, regulating the practice of dental hygiene, including the issuance of licenses and fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Health, Human Services and Elderly Affairs: This bill simply puts the parameters of practice for dental hygienists that are now only in regulations into the law like all other licensed professionals. It also re-affirms that hygienists practice under the supervision of dentists. Both the Dental Society and Hygienists Association agreed to the amended bill. Vote 14-0.

Amendment (5886B)

Amend section 3 of the bill by inserting after RSA 317-A:21-c the following:

317-A:21-d Practice Limitations. Nothing in this chapter shall be construed to permit the independent practice of dental hygienists.

SB 589, relative to the powers of fiduciaries in environmental matters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: This bill, as amended, establishes a statutory study committee to look at the many issues raised by this bill. The study committee will report back by November 1, 1994. Vote 14-2.

Amendment (5920B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the powers of
fiduciaries in environmental matters.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Membership. There is established a committee to study the issues relative to the powers of fiduciaries in environmental matters. The members of the committee shall be:

- I. Two members of the senate, or designee, appointed by the president of the senate.
- II. Two members of the house of representatives, appointed by the speaker of the house.
- III. One public member, appointed by the governor.
- IV. The commissioner of the department of environmental services, or designee.
- V. The commissioner of banking, or designee.
- VI. One representative from the New Hampshire Bankers Association, appointed by such association.
- VII. The attorney general, or designee.

2 Duties. The committee shall study and determine the powers and liabilities of fiduciaries in environmental matters.

3 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named house member within 30 days after the effective date of this act. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, 1994.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill establishes a committee to study the issues relative to the powers of fiduciaries in environmental matters.

SB 667-FN, relative to guardian ad litem appointed in child protection cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Lockwood for Judiciary: Senate Bill 667-FN authorizes the court to appoint guardians ad litem in child protection cases. The bill allows such appointed guardians to access court records but protects the confidentiality inherent in other laws relative to medical, psychological, law enforcement, educational and social service records of juveniles. Vote 19-0.

Amendment (6004B)

Amend RSA 169-C:10-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The CASA guardian ad litem or other guardian ad litem shall have access to all medical, psychological, law enforcement, educational, social service, and other reports pertaining to the child on file with the court.

Referred to Appropriations.

SB 596-L, relative to property taxes on property sold to religious and charitable organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: SB 596-L would change state policy concerning abatement and exemption of taxes to religious institutions. The committee feels that the bill deals with a very specific problem, best addressed at the local or subsequent levels under existing law. Vote 13-0.

SB 760-FN-A-L, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees. **OUGHT TO PASS**

Rep. Joseph E. Stone for Municipal and County Government: This bill establishes a revolving fund in the Department of Revenue Administration for the education and training of municipal officers and employees. The funding shall come out of the Municipal Services Budget and used for purchasing and printing technical information, and providing training for municipal employees in the areas of taxation and finance. Vote 12-0.

Referred to Appropriations.

SB 637-FN, relative to a pilot program concerning the use of deicing alternatives and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine D. Rogers for Public Works: This bill establishes a pilot program in the Nashua area to test the use of deicing methods and alternatives. The pilot program will be designed and implemented by the Department of Transportation in conjunction with the Nashua Area Regional Planning Commission in an effort to minimize salt use. Prior to implementing the pilot program, there will be a well-advertised public informational-meeting to receive public input on the selection of the area to be affected and to alert the public to the safety ramifications. Vote 12-2.

Amendment (5934B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a pilot program concerning the use of
deicing methods and alternatives.

Amend the bill by replacing all after the enacting clause with the following:

1 Deicing Alternatives Pilot Program.

I. The general court hereby establishes a pilot program to test the use of deicing methods and alternatives in the Nashua area. The pilot program shall be designed and implemented by the department of transportation in conjunction with the Nashua regional planning commission in an effort to minimize salt use. The pilot program shall only be conducted during the winters of 1994-1995 and 1995-1996, unless directed to continue by the legislature.

II. The department of transportation in conjunction with the Nashua regional planning commission shall consider such an experiment on a low traffic volume highway in a volunteer municipality where municipal officials have agreed to establish a highway section for minimum salt use or alternative deicing chemical substitute or both. Prior to implementing the experimental pilot program the Nashua regional planning commission on behalf of the municipality shall arrange a well advertised public informational meeting within 3 months prior to implementation to receive public input on the appropriateness of the test section selected and the level of winter service to be provided such that public safety comments may be considered and to allow the public sufficient time to make appropriate preparations.

III. The department of transportation and the regional planning commission shall make an interim report on or before July 1, 1995 and a final report on or before July 1, 1996, to the

senate president, speaker of the house, and the governor on their findings and recommendations relative to the pilot program. The program shall be evaluated in terms of cost, effectiveness and any other pertinent matter.

IV. In this act, "salt" means sodium chloride, calcium chloride, potassium chloride or magnesium chloride.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a pilot program in the Nashua area concerning the use of deicing methods and alternatives.

SB 643-FN-A, relative to examining the feasibility of building a civic/exposition center in Manchester and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Gene G. Chandler for Public Works: This bill was one of two bills and a couple of amendments that were dealt with by the Public Works Committee. The committee voted unanimously to find this bill inexpedient to legislate and a further explanation on the whole process can be found in the blurb dealing with Senate Bill 701. Vote 14-0.

SB 701-FN-A-L, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene G. Chandler for Public Works: The committee had two bills, Senate Bill 701 and Senate Bill 643 dealing with state appropriations for conference and civic centers in New Hampshire. Senate Bill 643 requested \$50,000 for Manchester to do a study and Senate Bill 701 requests \$10,000 for the Lakes Region to do a study. At the public hearing the committee was presented an amendment to reimburse the city of Concord \$15,000 as a portion of what they had spent on their civic center study; an another amendment from the Lakes Region increasing their request to \$40,000 for their study. The committee listened to excellent testimony from all parties regarding both bills and the various amendments, and concluded that while the 1993 study committee recommended the \$10,000 funding for the Lakes Region, both Manchester and Concord presented good arguments why they should be considered for funding, and the committee did not feel comfortable nor informed enough to fund all or some of the requests. The committee is proposing an amendment which continues the 1993 study committee and asks for specific recommendations regarding the possibility of a set of facilities if more than one complex is found to be feasible. This committee's report is due on or before November 1, 1994. Vote 14-0.

Amendment (5977B)

Amend the title of the bill by replacing it with the following:

AN ACT

extending a study committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Intent Added. Amend 1993, 228:1 to read as follows:

228:1 Committee Established.

I. There is established a study committee to examine and review the feasibility of locating a sports arena in southern New Hampshire. This committee shall proceed with its duties and hire a consultant, pursuant to section 3 of this act, only so long as the location or relocation of the Boston Garden facility is unresolved.

II. *In the event that resolution of the Boston Garden facility is resolved and the committee has determined that other convention facilities including outdoor sports facilities, exposition facilities, civic centers and other kinds of convention centers may be appropriate for further study, the committee may request legislative authority to continue its work.*

2 New Paragraph; Duty Added. Amend 1993, 228:3 by inserting after paragraph IV the following new paragraph:

V. Evaluate the interrelationship between markets and facility locations, and make recommendations, if any, as to a possible set of facilities in the event that more than one such facility or complex is found to be feasible.

3 Committee to Study a Convention Center Extended. Amend 1993, 228:6 to read as follows:

228:6 Report. The committee shall prepare a report describing its determinations and recommendations. Copies of this report shall be delivered to the governor, the speaker of the house of representatives, and the senate president on or before November 1, [1993] **1994**. Secretarial and staff assistance shall be provided by the senate.

4 Membership Continued. The membership of the committee created in 1993, 228 shall, to the extent possible, remain in effect.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends a committee established in 1993, 228 to study the feasibility of locating a convention facility in New Hampshire.

SB 807-FN-L, allowing the establishment of the Capital Wellness Center, Inc. **OUGHT TO PASS**

Rep. Sandra B. Keans for Public Works: The establishment of the Wellness Center at the New Hampshire Technical Institute is a unique opportunity to work with Concord Hospital in a new approach to keeping healthy. For many years there has been a cooperative partnership between the two groups. Currently over 700 students are enrolled in health related courses with many of them interning at the hospital. The center will focus on well-being rather than disease. The facility will be attached to the Student Building and has the complete support of the student body, and the committee's concern over the priority use of the facility by the students has been addressed. Vote 16-0.

SB 225-FN, relative to shoreland protection. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: SB 225-FN, as amended, makes a number of "Enrolled Bills" type corrections such as changing the words "Public Boundary Line" to "Reference Line" thereby eliminating confusion over the term "Public". Also, the requirement that OSP draft a model ordinance in RSA 483-B:19 has been repealed, while the exemption is maintained for those communities which have enacted equal or more stringent zoning ordinances. If funding is authorized by the Appropriations Committee, RSA 483-B will become law; if not, it serves as a guideline for those communities wishing to adopt Shoreland Protection provisions in their zoning ordinances. Vote 16-1.

Amendment (5936B)

Amend the bill by inserting after section 19 the following and renumbering the original sections 20-22 to read as 22-24, respectively:

20 Shoreland Protection; Applicability. RSA 483-B:19 is repealed and reenacted to read as follows:

483-B:19 Applicability. The provisions of this chapter shall not apply to any applicant whose land is in a municipality that has adopted a shoreland protection ordinance under RSA 674:16, the provision of which are at least as stringent as similar provisions in this chapter. The director of the office of state planning shall certify to the commissioner that the provisions of a local ordinance are at least as stringent as similar provisions in this chapter.

21 New Section; Designated Rivers; Applicability. Amend RSA 483-B by inserting after section 19 the following new section:

483-B:20 Designated Rivers. The provisions of this chapter shall not apply to rivers or river segments designated by the general court and approved for management and protection under RSA 483 prior to January 1, 1993.

Amend the bill by replacing section 24 with the following:

24 Effective Date.

I. Section 23 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect July 1, 1994, at 12:01 a.m.

Referred to Appropriations.

SB 547-FN-A, authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mildred A. Beach for Resources, Recreation and Development: As amended, this bill provides for the addition of Patenaude's Pond and Camp Alton to the properties of the State park system which will be a positive step in the public's use of water access and recreational facilities in populated areas of the State. The many assets of each of these properties enhance the public use of State lands in all seasons. Vote 16-1.

Amendment (5943B)

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. The commissioner of the department of resources and economic development, with the consent of the governor and council, is hereby authorized to acquire, in the name of the state, the Patenaude property, containing approximately 970 acres and the 77 acre Patenaude's Pond, with improvements thereon, located in Boscawen, New Hampshire from E. K. Associates.

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. The sum of \$1 is hereby appropriated to the department of resources and economic development for the fiscal year ending June 30, 1995, for the purpose described in paragraph II of section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of resources and economic development to acquire the Camp Alton property in Alton, New Hampshire for use as a state park and makes an appropriation for this purpose.

This bill also authorizes the commissioner to acquire the Patenaude property and pond in Boscawen, for use as a state park or wildlife management area and makes an appropriation for this purpose.

Referred to Appropriations.

SB 628-FN, relative to regulation of youth camps. OUGHT TO PASS

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill, as amended by the Senate, clarifies that the Department of Environmental Services will consult with the Department of Health and Human Services regarding rulemaking for youth recreational camps. This bill puts into law that which is already occurring between the two departments. Vote 17-0.

SB 659-FN-A, relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor. OUGHT TO PASS

Rep. Janet M. Conroy for Resources, Recreation and Development: Passage of this bill gives the Department of Resources and Economic Development authority to consolidate a warehousing facility and its only workshop maintenance facility (which is located at Bear Brook State Park) at one location. DRED is also authorized to dispose of its existing warehouse on Langdon Street and to use the proceeds from this sale to design and build the consolidated facility. This action would protect the historic integrity of the Civilian Conservation Corps (CCC) camp at the Park and would remove the DRED maintenance through this historic site. The bill also authorizes the Family Camping Museum, the only such museum in the United States, at Bear Brook State Park to expand its exhibit area at no cost to the State. There is a great deal of local support for this legislation as a whole. Vote 16-1.

Referred to Appropriations.

SB 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings. OUGHT TO PASS WITH AMENDMENT

Rep. Frederic A. Foss for Science, Technology and Energy: This bill expands the definition of "staff" to include persons who are not employed by the public utilities commission but who are retained by the commission to provide advice or information to the commission. Also, the commission is required to designate staff members as staff advocates and decisional employees in adjudicative proceedings. Vote 11-0.

Amendment (5834B)

Amend RSA 363:32 as inserted by section 1 of the bill by replacing it with the following:
 363:32 Designation of Employees.

I.(a) Whenever the commission conducts an adjudicative proceeding in accordance with the provisions of RSA 541-A:16 through RSA 541-A:20, the commission shall designate members of its staff as staff advocates and decisional employees, if requested by a party who is a full intervenor, when:

(1) It appears that staff members have committed or are likely to commit to a highly adversarial position in the proceeding and may not be able to fairly and neutrally advise the commission on all positions advanced in the proceeding;

(2) The docket concerns an issue or matter which is particularly contentious or controversial and which is significant in consequence;

(3) The issues in the docket are so contested as to create reasonable concern on the part of any party about the staff's role in commission decision making; or

(4) It appears reasonable that such designations may increase the likelihood of a stipulated agreement of the parties.

(b) Unless the commission provides otherwise, any such designations shall only be applicable to a specified adjudicative proceeding. The commission shall make a list of all current designations available to the public.

(c) Although any party who is a full intervenor may make a motion to designate pursuant to paragraph I at any point during the proceeding, if the motion is made later than 20 days after staff members have filed testimony the commission may deny the motion solely on the grounds that it is administratively unworkable because such motion has been filed so late in the proceeding.

II. The commission may, on its own initiative, designate members of its staff as staff advocates and decisional employees.

Amend RSA 363:34 as inserted by section 1 of the bill by replacing it with the following:
 363:34 Ex Parte Communications in Adjudicative Proceedings. Unless required for the disposition of ex parte matters authorized by law, in an adjudicative proceeding, decisional employees shall not communicate with any person or party, directly or indirectly, in connection with any issue in that proceeding, except upon notice and opportunity for all parties to participate. This notice requirement shall not apply to communications between or among commissioners, decisional employees, and personal assistants, including legal counsel, who have not been assigned as staff advocates in the adjudicative proceeding in question.

Amend RSA 363:36 as inserted by section 1 of the bill by replacing it with the following:
 363:36 Assessment of Costs. The commission may recover additional costs which it incurs in the performance of its duties resulting from the designation of employees as staff advocates or decisional employees in the manner provided in RSA 363:27, I, RSA 365:37, or RSA 365:38.

Amend the bill by replacing all after section 1 with the following:

2 Additional Expenditures. Amend RSA 363:27, I to read as follows:

I. In the exercise of the jurisdiction and performance of the duties prescribed by law, the commission shall have the power, subject to the state personnel regulations and within the limits of the appropriation for such purpose, to employ and fix the compensation of such regular staff, including experts, as it shall deem necessary. [Should emergency require, it may, in addition to the sums appropriated for its use by the legislature, expend such further sums as the governor and council may approve, such further sums to be paid out of any money in the treasury not otherwise appropriated.] *Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the public utilities commission, the governor and council, with the prior approval of the fiscal committee of the general court, upon request from the commission, may authorize an additional assessment pursuant to RSA 363-A for such purpose.*

3 Repeal. RSA 363:12-c, relative to ex parte communications, is repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

SB 768-FN, relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary R. Gilmore for Science, Technology and Energy: SB 768 is part of a package of bills dealing with alternatively fueled vehicles. This legislation is intended to help develop an infrastructure for fueling electric and natural gas fueled vehicles. The committee amendment provides a four-year sunset of this bill and also seeks to provide reassurance that the costs of the bill will not be unfairly borne by the consumer. Vote 11-0.

Amendment (5946B)

Amend RSA 362-D:3 as inserted by section 2 of the bill by replacing it with the following:
362-D:3 Exemptions. Any person selling or transporting vehicular electricity or vehicular natural gas shall not be considered a public utility under RSA 362:2.

Amend RSA 362-D:4, II as inserted by section 2 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Cost of service principles generally employed by the commission.

Amend RSA 362-D:5 as inserted by section 2 of the bill by replacing it with the following:
362-D:5 Rulemaking Authority. The commission shall adopt rules, in consultation with the commissioner of the department of safety and the commissioner of the department of agriculture, which shall wherever practical be consistent with existing national standards which promote public safety and which do not contain language which would be unduly prohibitive to the development or utilization of electric or natural gas vehicles, pursuant to RSA 541-A, relative to:

I. The calculation of an electric or gas utility's revenue requirement.

II. Rates, terms, and conditions for the sale, storage, and transport of vehicular electricity or vehicular natural gas.

III. Procedures necessary to provide for the proper administration of this chapter.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. Establish interim rules, pursuant to RSA 541-A, relative to the safety and jurisdiction over electric and natural gas vehicles and any associated activities.

Amend the bill by replacing all after section 3 with the following:

4 Report Required. The public utilities commission shall submit a report to the speaker of the house, the senate president and the governor on or before November 1, 1997, evaluating the effectiveness of the program established in RSA 362-D. The report shall include recommendations, if any, on the regulation of vehicular electricity or vehicular natural gas for the future.

5 Repeal. RSA 362-D, relative to electric and natural gas vehicles, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 1998.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

(1) Excludes any person selling or transporting vehicular electricity or natural gas for use in a motor vehicle from the definition of a public utility.

(2) Provides for the recovery of expenses invested by electric and natural gas utilities for the purpose of developing an infrastructure for electric and natural gas vehicles subject to criteria established by the public utilities commission.

(3) Requires the public utilities commission to establish rates and charges pertinent to the sale of electricity or natural gas used to propel a motor vehicle which are consistent with the cost to provide the service.

(4) Requires inter-agency review and development of safety standards for electric and natural gas vehicles and associated facilities.

(5) Repeals the chapter regulating electric and natural gas vehicles on July 1, 1998.

REGULAR CALENDAR

SB 626-FN, abolishing certain state agency positions when current employees have left the positions, unless the general court reestablishes the positions. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Appropriations: The majority of the committee felt that most of what was to be accomplished by this bill is done by the Personnel Division in a more efficient fashion. Vote 13-3.

Adopted.

SB 652-FN-A, making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families. **OUGHT TO PASS**

Rep. Marie C. Hawkinson for Appropriations: This bill makes an appropriation to the Division of Elderly and Adult Services, Department of Health and Human Services for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and the respite care services for victims of Alzheimer's disease and their families. The expenditures in this bill will in the long run save money as people will be able to stay at home longer and out of the nursing homes. Vote 15-4.

Adopted and ordered to third reading.

SB 703-FN, creating a university system research development fund. **INEXPEDIENT TO LEGISLATE**

Rep. Douglas E. Hall for Appropriations: This bill would set a dangerous precedent by having the legislature single out one function of the University, research, for special funding treatment and potentially open the door to legislative control over what some might deem "appropriate" or others deem "inappropriate" research. The trustees have not voted to support this request. The bill would not take effect until the next biennial budget in any case. If the trustees decide that additional funding for research is a higher priority than faculty salary increases or holding tuition to current levels, they can include such priorities within their budget request next January. The legislature can make its decision at that time. Vote 17-2.

Adopted.

SB 769-FN, dividing any budget surplus between the revenue stabilization reserve account and state aid to education. **INEXPEDIENT TO LEGISLATE**

Rep. Neal M. Kurk for Appropriations: This bill requires that half of each biennial surplus be paid to school districts through the foundation aid formula. While this is a worthy purpose, the distribution mechanism will create problems for the districts: the amounts received will go up and down — even to zero — as our surplus changes, and payments will be made every other year. Both make it more difficult to plan for education programs. The bill also has the effect of reducing the ability of future legislatures to decide how any biennial surplus should be spent. Vote 12-7.

Rep. Burling moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, and spoke in favor.

Rep. Kurk spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 133 - NAYS 207

YEAS 133

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
McGuirk, Paul
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
Pratt, Irene

Champagne, Richard
Lynch, Margaret
Richardson, Barbara

DePecol, Benjamin
Manning, Joseph
Robertson, Timothy

COOS

Bradley, Paula

Coulombe, Henry

Hawkinson, Marie

Mears, Edgar

GRAFTON

Brown, Patricia
Larson, Nils, Jr.

Copenhaver, Marion
McIlwaine, Deborah

Crory, Elizabeth
Nordgren, Sharon

Guest, Robert

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Arnold, Thomas, Jr.
Asselin, Robert	Bagley, Amy	Bergeron, Lucien	Bergeron, Normand
Borsa, Andrew	Buckley, Raymond	Clemons, Jane	Cote, David
Crotty, Edward	Daigle, Robert	Donovan, Francis	Durham, Susan
Foster, Linda	Franks, Suzan	Gervais, Glen	Gosselin, Gerald
Haetenschwiller, Alphonse	Hall, Betty	Hanselman, Gregory	Jean, Claudette
Johnson, Lionel	Kirby, Thomas	Laughlin, J. Francis	Lefebvre, Roland
Lessard, Rudy	Martin, Mary Ellen	Morrisette, Roland	Murphy, Robert
Nardi, Theodora	O'Hearn, Jane	O'Rourke, Joanne	Perkins, Paul
Philbrook, Paula	Plourde, Alphonse	Reidy, Frank	Smith, Leonard
Soucy, Richard	Stewart, Thomas	Toomey, Kathryn	Turgeon, Roland
White, John			

MERRIMACK

Braiterman, Thea	Coughlin, Anne	Daneault, Gabriel	Dunn, Miriam
French, Barbara	Hall, Douglas	Hess, David	Moore, Carol
Newland, Matthew	Owen, Derek	Regan, Maurice	Teague, Bert
Trombly, Rick	Waller, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Bell, Juanita	Caswell, Albert, Jr.	Clark, Martha	Coes, Betsy
Groves, Bonnie	Johnson, Robert	Kane, Cecelia	McGovern, Cynthia
Newman, Rick	O'Keefe, Patricia	Pantelakos, Laura	Rosencrantz, James
St. Martin, Tommy	Syracusa, Anthony	Vaughn, Charles	Williamson, William

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Dunlap, Patricia
Gilmore, Gary	Hambrick, Patricia	Hashem, Elaine	Hemon, Roland
Hilliard, Dana	Keans, Sandra	Kincaid, William	Knowles, William
Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory
Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Wall, Janet	Wheeler, Katherine

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon
Holl, Ann	Kane, Joan	Palmer, Lorraine	Stamatakis, Carol

NAYS 207**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hauck, William	Holbrook, Robert	Johnson, Carl
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda
Turner, Robert	Young, Niel	Ziegra, Alice	

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Philbrick, Donald
Saunders, Howard	Wiggin, Gordon		

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude	Perry, David
Royce, H. Charles	Smith, Edwin	Young, David	

COOS

Foss, Frederic	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Brown, Alson
Eaton, Stephanie
LaMott, Paul
Trelfa, Richard

Brown, Channing
Gordon, Edward
Rose, William
Wadsworth, Karen

Chase, Paul, Jr.
Ham, Bonnie
Scanlan, David
Ward, Kathleen

Driscoll, William
Hill, Richard
Teschner, Douglass
White, Paul

HILLSBOROUGH

Ahrens, Frederick
Bowers, Dorothy
Cowenhoven, Garret
Drolet, Paul
Ferguson, Charles
Healy, Daniel
Hunter, Bruce
Kurk, Neal
Lozeau, Donnalee
Messier, Irene
Packard, Bonnie
Record, Alice
Sallada, Roland
Upton, Barbara
Wright, George

Amidon, Eleanor
Burke, M. Virginia
Daniels, Gary
Dyer, Merton
Fields, Dennis
Holden, Carol
Jasper, Shawn
L'Heureux, Robert
McCarty, Winston
Mittelman, David
Paquette, Rodolphe
Riley, Frances
Sargent, Maxwell
Vanderlosk, Stanley

Andrews, Frederick
Calawa, Leon, Jr.
Desrosiers, William
Dykstra, Leona
Gagnon, Eugene
Holley, Sylvia
Jean, Loren
Lachut, Ervin
McRae, Karen
Moore, Elizabeth
Pepino, Leo
Rodgers, G. Philip
Searles, Stanley, Sr.
Wells, Peter, Sr.

Arnold, Barbara
Cepaitis, Elizabeth
Dodge, Emma
Emerton, Lawrence, Sr.
Hart, Nick
Holt, David
Kelley, Dana
Lown, Elizabeth
Mercer, Robert
Morello, Michael
Peters, Stanley
Rothhaus, Finlay
Sullens, Joan
Wheeler, Robert

MERRIMACK

Barberia, Richard
Chandler, John
Hager, Elizabeth
Langer, Ray
Shaw, Randall

Buessing, Marjorie
Feuerstein, Martin
Holmes, Mary
Lockwood, Robert
Stapleton, Henry

Carter, Susan
Fillion, Paul
Johnson, C. William
Mitchell, Vernon
Whalley, Michael

Chandler, Earle
Gilbreth, Robert
Kidder, William
Pfaff, Terence
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Conroy, Janet
DiPietro, Carmela
Felch, Charles, Sr.
Gage, Beverly
Hurst, Sharleene
Klemarczyk, Thaddeus
Lovejoy, Marian
Miller, Don
Pratt, Katharin
Ritzo, Eugene
Skinner, Patricia
Sytek, Donna
Woods, Deborah

Arndt, Janet
Case, Margaret
Cote, Charles
Dowd, Sandra
Fesh, Robert
Gargiulo, Louis
Hutchinson, Karen
Klemm, Arthur, Jr.
MacDonald, Maurice
Moore, Benjamin
Pullman, Robert
Rubin, George
Smith, Arthur
Sytek, John
Yennaco, Carol

Battles, Marjorie
Chester, Sherman
Cote, Patricia
Dowling, Patricia
Flanagan, Natalie
Gorman, Donald
Katsakiores, George
Kruse, Fred
Malcolm, Kenneth
Noyes, Richard
Putnam, Ed, II
Schanda, Joseph, Sr.
Stone, Joseph
Welch, David

Beaulieu, Jon
Clark, Vivian
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
McKinney, Betsy
Packard, Sherman
Raynowska, Bernard
Senter, Marilyn
Stritch, C. Donald
Weyler, Kenneth

STRAFFORD

Brown, Julie
Nehring, William
Torr, Ralph

Douglass, Clyde
Pageotte, Donald
Vincent, Francis

McKinley, Robert
Torr, Ann
Wasson, Richard

Musler, George
Torr, Franklin

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Lindblade, Eric

Rodeschin, Beverly

and the motion failed.
Report adopted.

SB 759-FN-A, relative to child support and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth S. Hager for Children, Youth and Juvenile Justice: The backlog in the Office of Child Support is 12,433 cases. The committee voted unanimously that cleaning up that backlog is an important priority for the state. The bill also addresses two fairness issues: one relative to food stamps and one that frees families with poverty level incomes from paying child support debt until they have the ability to pay. The FN calls for state expenditures of \$1.2 million in FY '95. Vote 18-0.

Amendment (5994B)

Amend RSA 161-C:22, III as inserted by section 2 of the bill by replacing it with the following:

III. When an assignment of support rights has terminated and the obligor and the recipient reunite, the obligor may request a suspension of the collection of a support debt under RSA 161-C:4 and the office of child support enforcement services shall not take any action to collect such a debt for so

long as the family remains reunited, provided, that the adjusted gross income of the family, as defined by RSA 458-C, is equal to or less than 185 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services. If collection of a support debt under RSA 161-C:4 is suspended, the obligor shall provide the office of child support enforcement services with a financial affidavit every 6 months evidencing the income of the reunited family and shall notify the office of child support enforcement services in writing within 10 days of any change in income or if the family is no longer reunited. Failure to report changes in income or in the status of the family as reunited, or to provide a financial affidavit as specified herein, shall cause the suspension of collection to terminate until such time as the required information is submitted and provided that such information meets the criteria for obtaining a suspension of collection. When a support obligation is established under RSA 161-C:4, the office of child support enforcement services shall notify an obligor of the right to request a suspension of the collection of a support debt.

Adopted.

Report adopted and referred to Appropriations.

SB 800-FN, relative to the child protection act. OUGHT TO PASS WITH AMENDMENT

Rep. Deborah L. Woods for Children, Youth and Juvenile Justice: This legislation makes revisions to RSA 169-C by providing a new section relative to emergency interim relief, replacing and redefining certain terms to make the act more comprehensible to the public, and, most importantly, it permits the removal of an alleged perpetrator from the home as opposed to the removal of the child if in the best interest of the child. Vote 13-5.

Amendment (5918B)

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Petition. Amend RSA 169-C:7 by inserting after paragraph III the following new paragraph:

IV. In addition the petition shall also include, to the extent known:

- (a) The name, birth date, and address of the child.
- (b) The name and address of any custodial parent.
- (c) The name and address of any other individual or agency having custody of the child.
- (d) The name of any non-custodial parent.
- (e) The name of any household member who is subject to the order.

Amend RSA 169-C:16, 1(d)(4)-(5) as inserted by section 10 of the bill by replacing it with the following:

(4) Correct specified deficiencies in the home that make the home a harmful environment for the child.

(5) Refrain from specified acts of commission or omission that make the home a harmful environment for the child.

Amend RSA 169-C:19 as inserted by section 14 of the bill by replacing it with the following:

169-C:19 Dispositional Hearing. If the court finds that a child is abused or neglected, the court may order the following disposition:

I. The child may be permitted to remain with the parents, guardian, relative, or other custodian, subject to any or all of the following conditions:

(a) That the parents, guardian, relative, or custodian accept legal supervision by a child placing agency.

(b) That the parents, guardian, relative, or custodian, or the child, or both, accept individual or family therapy, or medical treatment.

(c) That the child attend a day care center.

(d) That a homemaker or parent aide be allowed to visit the home and assist the family.

II.(a) An order of protection may be issued setting forth conditions of behavior by a parent, relative, guardian, custodian or a household member. Such order may require any such person to:

(1) Stay away from the premises, another party, or the child.

(2) Permit a parent or other named person to visit the child at stated periods and under such conditions as the court may order.

(3) Abstain from harmful conduct with respect to the child or any person to whom custody of the child is awarded.

(4) Correct specified deficiencies in the home that make the home a harmful environment for the child.

(5) Refrain from specified acts of commission or omission that make the home a harmful environment for the child.

(b) If an order is made affecting a person not before the court under subparagraph (a), it shall be served on such person by a law enforcement officer. A hearing to challenge an order may be requested in writing. The hearing shall be held within 5 days of the request. A request for a hearing shall not stay the effect of the order.

(c) When the party subject to the order of protection has an obligation to support the child in question, the court may order such party to remain out of the residence of the child. When the party subject to the order has no duty to support the child and solely owns or leases the residence of the child, the court may order such party to remain out of the residence of the child for a period of no more than 30 days.

III.(a) Legal custody may be transferred to a child placing agency or relative provided, however, that no child shall be placed with a relative until a written social study of the relative's home, conducted by a child placing agency, is submitted to the court.

(b) If the child is placed out of state, the provisions of RSA 170-A shall be followed.

IV. The court may order any parent, guardian, relative, custodian, household member, or child to undergo individual or family therapy, or medical treatment.

Adopted.

Rep. Cogswell offered a floor amendment.

Floor Amendment (6046B)

Amend RSA 169-C:19, I as inserted by section 14 of the bill by replacing it with the following:

I. The child may be permitted to remain with the parents, guardian, relative, or other custodian, subject to any or all of the following conditions:

(a) That the parents, guardian, relative, or custodian accept legal supervision by a child placing agency.

(b) That the parents, guardian, relative, or custodian, or the child, or both, accept individual or family therapy, or medical treatment.

(c) That the parents, guardian, relative, or custodian, or the child, or both receive the treatment of a rabbi, local minister, or other remedial care if requested by the person being so ordered.

(d) That the child attend a day care center.

(e) That a homemaker or parent aide be allowed to visit the home and assist the family.

Amend RSA 169-C:19, IV as inserted by section 14 of the bill by replacing it with the following:

IV.(a) The court may order any parent, guardian, relative, custodian, household member, or child to undergo individual or family therapy, or medical treatment; or

(b) The treatment of a rabbi, local minister or other remedial care if requested by the person being so ordered.

Rep. Cogswell spoke in favor and yielded to questions.

Rep. Lindblade spoke against.

Rep. Woods spoke against and yielded to questions.

The floor amendment failed.

Report adopted and ordered to third reading.

Rep. Stamatakis declared a conflict of interest and did not participate.

SPECIAL ORDER

Rep. Bonnie Packard moved that **SB 534**, relative to condominium common assessments, be made a Special Order for Thursday, April 21, 1994.

Adopted.

REGULAR CALENDAR (Cont'd.)

SB 632-FN-A, establishing a pilot program to disseminate from the Pease International Trade Center trade information to promote international trade and making an appropriation therefor. **OUGHT TO PASS**

Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs: The committee fully supports the broadest possible dissemination of information to enhance the promotion of international trade leads. When implemented, the information will be available via computer terminals at 130 libraries tied into the State Library in Concord. Vote 12-0.

Adopted and referred to Appropriations.

SB 651-FN, creating a real estate recovery trust fund, to be funded by certain fees. **INEXPEDIENT TO LEGISLATE**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill was voted inexpedient to legislate because the present requirement for bonding better protects the consumer. Any fund created to protect escrow accounts runs the danger of being subject to shortfalls, which would entail extra assessments on the realtors. Vote 15-0.

Adopted.

SB 743-FN, relative to insurance coverage for children. **OUGHT TO PASS**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill prohibits health insurers from refusing to enroll a child under the health care coverage of a parent on grounds that: 1) the child was born out of wedlock; 2) the child was not claimed as a dependent on the parent's federal income tax return; 3) the child does not reside with the parent or in the insurer's service area. The legislature does not intend to exclude any child from Medicaid benefits. Vote 14-0.

Adopted and ordered to third reading.

SB 747-FN, relative to lease-purchase agreements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Newland for Commerce, Small Business and Consumer Affairs: This bill establishes a procedure to govern rent-to-own agreements for consumer goods. It is the intent to provide disclosure and protection to consumers while establishing clear guidelines for the rent-to-own merchants. Vote 16-0.

Amendment (5937B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to rent-to-own agreements.

Amend the bill by replacing all after the enacting clause with following:

1 New Chapter; Rent-To-Own Agreement Act. Amend RSA by inserting after chapter 358-N the following new chapter:

CHAPTER 358-O RENT-TO-OWN AGREEMENT ACT

358-O:1 Short Title. This chapter is to be known as the "New Hampshire Rent-to-Own Agreement Act."

358-O:2 Definitions. In this chapter:

I. "Advertisement" means a commercial message in any medium that solicits a consumer to enter a rent-to-own agreement.

II. "Cash price" means the price at which the lessor would have sold the property to the consumer for cash on the date of the rent-to-own agreement.

III. "Consumer" means a natural person who rents personal property under a rent-to-own agreement to be used primarily for personal, family or household purposes.

IV. "Consummation" means the date on which a consumer enters into a rent-to-own agreement.

V. "Rent-to-own agreement" means an agreement for the use of personal property by a natural person primarily for personal, family or household purposes, for an initial period of 4 months or less that is automatically renewable with each payment after the initial period, but does not obligate or require the consumer to continue renting or using the property beyond the initial period, and that permits the consumer to become the owner of the property.

VI. "Rent-to-own dealer" means a person who regularly provides the use of property through rent-to-own agreements and to whom rent payments are initially payable on the face of the rent-to-own agreement.

358-O:3 General Requirements of Disclosure.

I. The rent-to-own dealer shall disclose to the consumer the information required by RSA 358-O:4. In a transaction involving more than one rent-to-own dealer, only one such dealer need make the disclosures, but all rent-to-own dealers shall be bound by such disclosures.

II. The disclosures shall be made at or before consummation of the rent-to-own agreement.

III. The disclosures shall be made clearly and conspicuously in writing and a copy of the rent-to-own agreement provided to the consumer. The disclosures required under RSA 358-O:4 shall be made on the face of the contract above the line for the consumer's signature.

IV. If a disclosure becomes inaccurate as the result of any act, occurrence or agreement by the consumer after delivery of the required disclosures, the resulting inaccuracy shall not be a violation of this chapter.

358-O:4 Disclosures. For each rent-to-own agreement, the rent-to-own dealer shall disclose in the agreement the following items, as applicable:

I. Whether the periodic payment is weekly, monthly or otherwise, the dollar amount of each payment, and the total number and total dollar amount of all periodic payments necessary to acquire ownership of the property.

II. A statement that the consumer will not own the property until the consumer has made the total payment necessary to acquire ownership.

III. A statement advising the consumer whether the consumer is liable for loss or damage to the property, and, if so, a statement that such liability will not exceed the fair market value of the property as of the time it is lost or damaged.

IV. A brief description of the rented property, sufficient to identify the property to the consumer and the rent-to-own dealer, including an identification number, if applicable, and a statement indicating whether the property is new or used, but a statement that indicates new property is used is not a violation of this chapter.

V. A statement of the cash price of the property, however where one agreement involves the rent of 2 or more items as a set, a statement of the aggregate cash price of all items shall satisfy this requirement. The statement shall also include the following disclosure:

"If you want to purchase this or similar property now, you should consider cash or credit terms that might be available to you."

VI. The total of initial payments paid or required at or before consummation of the agreement or delivery of the property, whichever is later.

VII. A statement that the total of payments does not include other charges, such as late payment, default, pickup and reinstatement fees, which fees shall be separately disclosed in the contract.

VIII. A statement clearly summarizing the terms of the consumer's option to to-own, including a statement that the consumer has the right to exercise an early to-own option and the price, formula or method for determining the price at which the property may be so purchased.

IX. A statement identifying the party responsible for maintaining or servicing the property while it is being rented, together with a description of that responsibility, and a statement that if any part of a manufacturer's express warranty covers the rental property at the time the consumer acquires ownership of the property, it shall be transferred to the consumer, if allowed by the terms of the warranty.

X. The date of the transaction and the identities of the rent-to-own dealer and consumer.

XI. A statement that the consumer may terminate the agreement without penalty by voluntarily surrendering or returning the property in good repair, reasonable wear and tear excepted, upon expiration of any rental term along with any past due rental payments.

XII. Notice of the right to reinstate an agreement as provided in RSA 358-O:8.

358-O:5 Advertising.

I. If an advertisement for a rent-to-own agreement refers to or states the dollar amount of a periodic payment for a specific item and refers to or states the right to acquire ownership of the item, then for such item the advertisement shall also clearly and conspicuously state the following:

(a) That the transaction advertised is a rent-to-own agreement.

(b) The total number and total amount of periodic payments necessary to acquire ownership.

(c) That the consumer acquires no ownership rights unless the total amount necessary to acquire ownership is paid.

II. Any owner or personnel of any medium in which an advertisement appears or through which it is disseminated shall not be liable under this section.

III. The provisions of paragraph I of this section shall not apply to an advertisement which does not refer to or state the amount of any payment, or which is published in the yellow pages of a telephone directory or in any similar directory of business.

IV. Every item displayed or offered under a rent-to-own agreement shall bear a tag or card that clearly and conspicuously indicates in Arabic numerals each of the following:

(a) The cash price of the item.

(b) The amount of the periodic payment.

(c) The total number and total dollar amount of periodic payments necessary to acquire ownership.

358-O:6 Inapplicability of Other Laws; Exempted Transactions.

I. Rent-to-own agreements which comply with this chapter are not governed by the laws relating to:

(a) A "security interest" as defined in RSA 382-A:1-201(37).

(b) A "consumer credit transaction" as defined in RSA 358-C:1, II and RSA 358-K:1, V.

(c) "Credit" as defined in RSA 358-K:1, VII and RSA 399-B:1, I.

(d) A "home solicitation sale" as defined in RSA 361-B:1.

II. Rent-to-own agreements are governed by laws relating to:

(a) "Trade" as defined in RSA 358-A:1, II; and

(b) A "consumer transaction" as defined in RSA 358-C:1, III.

II. This chapter shall not apply to the following:

(a) Rent-to-own agreements primarily for business, commercial or agricultural purposes, or those made with governmental agencies or instrumentalities or with organizations;

(b) Rental of a safe deposit box;

(c) Rental or bailment of personal property which is incidental to the rental of real property, and which provides that the consumer has no option to to-own the rented property; or

(d) The rental of an automobile.

358-O:7 Prohibited Practices.

I. A rent-to-own agreement shall not contain:

(a) A confession of judgment.

(b) A negotiable instrument.

(c) A security interest or any other claim of a property interest in any property interest in any property of the consumer.

(d) A wage assignment.

(e) A waiver by the consumer of claims or defenses.

(f) A provision authorizing the rent-to-own dealer or a person acting on the rent-to-own dealer's behalf to enter upon the consumer's premises without permission or to commit any breach of the peace in the repossession of property.

(g) A provision requiring the purchase of insurance or liability damage waiver for the property that is the subject of the rent-to-own agreement from the rent-to-own dealer or requiring such purchase from a particular vendor. The rent-to-own dealer may, however, require that the consumer purchase insurance or liability damage waiver for the rental property from a vendor of the consumer's choosing.

(h) A provision requiring the consumer to make a payment in addition to regular rental payments in order to acquire ownership of the rental property, or a provision requiring the consumer to make rental payments totaling more than the dollar amount necessary to acquire ownership as disclosed pursuant to RSA 358-O:4.

(i) A provision requiring a late charge or reinstatement fee unless a periodic payment is late more than 5 days on a monthly agreement or more than 2 days on an agreement with periodic payments made more frequently than monthly.

(j) A provision for a late charge or reinstatement fee in excess of \$5.

(k) A provision for more than one late charge or reinstatement fee on any one periodic payment regardless of the period of time during which it remains unpaid.

II. No rent-to-own dealer shall collect or attempt to collect a debt in an unfair, deceptive or unreasonable manner as defined in RSA 358-C.

358-O:8 Reinstatement.

I. A consumer who fails to make a timely rental payment may reinstate the agreement, without losing any rights or options which exist under the agreement, by the payment of:

(a) All past due rental charges;

(b) If the property has been picked up, the reasonable costs of pick-up and redelivery; and

(c) Any applicable late fee, within 5 days of the renewal date if the consumer pays monthly, or within 2 days of the renewal date if the consumer pays more frequently than monthly.

II. In the case of a consumer who has paid less than 2/3 of the total of payments necessary to acquire ownership and where the consumer has returned or voluntarily surrendered the property, other than through judicial process, during the applicable reinstatement period set forth in paragraph I of this section, the consumer may reinstate the agreement during a period of not less than 21 days after the date of the return of the property.

III. In the case of a consumer who has paid 2/3 or more of the total of payments necessary to acquire ownership, and where the consumer has returned or voluntarily surrendered the property, other than through judicial process, during the applicable period set forth in paragraph I of this section, the consumer may reinstate the agreement during a period of not less than 30 days after the date of the return of the property.

IV. Nothing in this section shall prevent the rent-to-own dealer from attempting to repossess property during the reinstatement period, but such a repossession shall not affect the consumer's right to reinstate. Upon reinstatement, the rent-to-own dealer shall provide the consumer with the same property or substitute property of comparable quality and condition.

358-O:9 Receipts. Upon request by the consumer, a rent-to-own dealer shall provide the consumer with a written receipt for each payment.

358-O:10 Renegotiations and Extensions.

I. A renegotiation shall occur when an existing rent-to-own agreement is satisfied and replaced by a new agreement undertaken by the same rent-to-own dealer and consumer. A renegotiation shall be considered a new agreement requiring new disclosures. A renegotiation shall not include:

(a) The addition or return of property in a multiple-item agreement or the substitution of the rental property, if in either case the average payment allocable to a payment period is not changed by more than 10 percent.

(b) A deferral or extension of a portion of a periodic payment or of one or more periodic payments.

(c) A reduction in charges in the rent or agreement.

(d) A modification to a rent-to-own agreement as a result of a court proceeding.

II. No disclosures are required for any extension of a rent-to-own agreement.

358-O:11 Enforcement; Penalties.

I.(a) A rent-to-own dealer who fails to comply with the requirements of this chapter is liable to the consumer damaged thereby in an amount equal to the greater of:

(1) The actual damages sustained by the consumer as a result of the rent-to-own dealer's failure to comply with this chapter; or

(2) 25 percent of the total of payments necessary to acquire ownership, but not less than \$100 nor more than \$1,000.

(b) A rent-to-own dealer who fails to comply with this chapter is also liable to the consumer for the costs of the action and reasonable attorney's fees as determined by the court.

II. A consumer may not take any action to offset the amount for which a rent-to-own dealer is potentially liable under paragraph I against any amount owed by the consumer, unless the amount of the dealer's liability has been determined by judgment of a court of competent jurisdiction in an action in which the rent-to-own dealer was a party. This section shall not bar a consumer then in default on an obligation from asserting a violation of this chapter as an original action, or as a defense or counterclaim, to an action brought by a rent-to-own dealer against the consumer.

III. The provisions of this section are in addition to any other rights or remedies available in this state.

IV. No action under this section shall be brought in any court of competent jurisdiction more than one year after the date the consumer made the last rental payment or more than one year after the date of the occurrence of the violation that is the subject of the suit, whichever is later.

358-O:12 Rent-to-Own Dealer's Defenses.

I. If a rent-to-own dealer establishes by a preponderance of evidence that a violation of this chapter was unintentional or the result of a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such errors, no penalty as specified in RSA 358-O:11 may be imposed and validity of the transaction is not affected. Examples of bona fide errors are clerical errors, calculation errors, errors due to unintentionally improper computer programming or data entry, and printing errors, but do not include an error of legal judgment with respect to a rent-to-own dealer's obligations under this chapter.

II. A rent-to-own dealer shall not be liable under this section for any failure to comply with any requirement imposed under this chapter if within 60 days after discovering an error, and prior to the institution of an action under this chapter or the receipt of written notice of the error from the consumer, the rent-to-own dealer notifies the consumer of the error and makes whatever adjustments in the appropriate account as are necessary to assure that the consumer is not required to pay an amount in excess of the lowest charge actually disclosed.

III. No provision of this chapter imposing any penalty applies to any act done or omitted in good faith in conformity with some provision of this chapter, notwithstanding that after the act or omission has occurred the provision is amended, rescinded, or determined by judicial or other competent authority to be invalid for any reason.

2 Rent-To-Own Agreement Not a Security Interest. Amend the introductory paragraph of RSA 382-A:1-201(37) to read as follows:

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts or chattel paper which is subject to Article 9. The special property interest of a buyer of goods on identification of those goods to a contract for sale under Section 2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a consignment is intended as security, reservation of title thereunder is not a "security interest", but a consignment in any event is subject to the provisions on consign-

ment sales (Section 2-326). *A rent-to-own agreement, defined in RSA 358-O:2, V, shall not create or be construed as a "security interest."* Whether a transaction creates a rent or security interest is determined by the facts of each case; however, a transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the rent not subject to termination by the lessee, and

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill establishes a procedure to govern rent-to-own agreements for consumer goods. Rep. Hunt yielded to questions.

Adopted.

Report adopted and ordered to third reading.

SB 767-FN, relative to mental illness coverage under insurance policies. **OUGHT TO PASS**
Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill requires all health insurers, hospital service corporations, medical service corporations, and health maintenance organizations to provide coverage for certain biologically-based mental illnesses at the same level as coverage for other physical illnesses. Vote 16-0.

Adopted and referred to Appropriations.

SB 697-FN-A, relative to the New Hampshire Industrial Research Center and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bonnie K. Groves for Economic Development: This bill clarifies language by which the Industrial Technical Center operates, especially in the area of accepting and expending federal grant-related monies. The bill also makes appropriations for two field agents and sets fee arrangements for field agent consulting services. Vote 13-0.

Amendment (5912B)

Amend the bill by inserting after section 5 the following and renumbering the original sections 6 and 7 to read as 7 and 8, respectively:

6 New Section; Field Agent On-Site Consultations; Fees. Amend RSA 187-A by inserting after section 33 the following new section:

187-A:33-a On-Site Consultations by Field Agents; Fees. For every on-site consultation by a field agent, the following fees shall be assessed:

I. For companies with 50 employees or less: \$100 per visit.

II. For companies with more than 50 employees: \$200 per visit.

AMENDED ANALYSIS

This bill:

(1) Changes the title of the center from "Industrial Technology Research and Innovation Center" to "Industrial Research Center."

(2) Allows the center to provide grant-related services.

(3) Redefines "basic research" as "basic scientific, engineering, and associated marketing research."

(4) Allows short-term activities without requiring matching funds.

(5) Makes an appropriation to hire 2 field agents.

(6) Provides that fees shall be assessed for on-site consultations by field agents.

Adopted.

Report adopted and referred to Appropriations.

SB 728-FN-A-L, providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. Hutchinson for Education: The committee supports the statement of purpose, but feels that the study committee and funding proposed in this bill is redundant with other studies and legislation already in process. Vote 13-2.

Adopted.

SB 165-FN, relative to certification of landscape architects. REFER FOR INTERIM STUDY
Rep. William P. Boucher for Executive Departments and Administration: The subcommittee was given an amendment each time it met. We had an agreed-to bill going into public hearing but there now seems to be disagreement between the two disciplines. We'd like to study the bill to bring the disciplines of landscape architecture and landscape design together. Vote 14-1.

Adopted.

SB 619-FN, relative to a cost of living adjustment for retired firefighters. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would provide a COLA for retired firefighters if the funds were available in the special account. There is presently a COLA bill, HB 414, in the Senate to provide a 3.5% COLA to firefighters. It is expected that further funds will be available for a COLA in 1995. Vote 11-2.

Adopted.

SB 625-FN-A, relative to an in-home care pilot program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: This bill started three years ago as a study committee to improve the home and community-based care system by assisting younger disabled and elderly persons to maintain maximum independence in their homes. Amendments were made to include part of the Governor's health plan, which should enhance the overall purpose. Vote 19-0.

Amendment (5964B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to an in-home care pilot program and relative to community based care and making appropriations therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that the long-term care upon which an increasing number of our elderly and incapacitated adults rely is actually long-term support of the individual. While the elderly comprise the largest group of long-term care consumers, the population needing these services is not a homogeneous one. Chronic diseases and disabilities affect all age groups and social levels. The general court recognizes that New Hampshire needs a home and community based care system to assist younger disabled persons and elderly persons to achieve independence. Long-term care services must focus on the needs of the individual and the individual's desire to remain at home to the greatest extent practicable. The general court recognizes that long-term care services in New Hampshire are to be predicated upon a philosophy that is family-centered, supports and empowers the individual consumer, and prioritizes the least restrictive alternative.

2 In-Home Pilot Program.

I. The general court hereby establishes a pilot program for in-home care for disabled adults and elderly persons requiring long-term support services. The pilot program shall be designed and implemented upon the philosophy outlined in section 1 of this act. This pilot program shall terminate 2 years after the first date of operation of the program, as certified by the director of elderly and adult services to the secretary of state, unless authorized to continue by the legislature.

II. The director shall pursue additional funding for this pilot project in the form of grants from federal and private foundation sources and may expend such grants, moneys, and any appropriation for the purposes of the program.

3 Pre "Home and Community Based Care Services" to the Elderly and Disabled. The general court hereby directs the department of health and human services to continue development of a continuum of home and community based services that support individual independence and prevent premature residential and institutional placement. In furtherance of the development of this continuum, the department of health and human services shall take steps to add pre "home and community based care services" to the medicaid program in order to provide earlier and preventive care.

I. Additional service shall include, but not be limited to: respite care services to prevent caregiver burnout; and personal care services to persons not strictly wheelchair bound or persons not fully self-directed.

II. The department of health and human services shall develop less stringent financial and functional eligibility guidelines for the pre "home and community based care program" within federally permissible limits and within the existing New Hampshire regulatory framework.

III. The department of health and human services shall strengthen the non-medicaid funded components of the home and community based care program by: identifying additional funding; redefining services; and creating new services as required.

4 Information and Referral for Community Based Care. The general court hereby directs the department of health and human services to strengthen the information and referral component of community based care. The department shall take steps to:

I. Define the information and referral network.

II. Support the development of information and referral services in areas where gaps exist.

III. Reinforce the concept of assistance at the initial point of information and referral.

5 Appropriation. The sum of \$550,000 for the fiscal year ending June 30, 1995, is appropriated to the division of elderly and adult services, department of health and human services. Of this appropriation, \$250,000 shall be used for the purposes of implementing the pilot program established in section 2 of this act and \$300,000 shall be used for the purposes of strengthening the information and referral for community based care system required by section 4 of this act. The sum of \$350,000 for the fiscal year ending June 30, 1995, is appropriated to the division of human services, department of health and human services, for the purposes of implementing pre "home and community based care services" as required by section 3 of this act. These appropriations are in addition to any other sums appropriated to the department. The governor is authorized to draw a warrant for said sums of money in the health care transition fund, if established.

6 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes a 2-year pilot program to implement an in-home care program for disabled adults and elderly persons requiring long-term support services.

The bill also directs the department of health and human services to establish additional services for pre "home and community based care services" to the elderly and disabled and to strengthen the information and referral component of the community based care.

The bill makes appropriations for the purposes of the bill.

Adopted.

Report adopted and referred to Appropriations.

SB 702-FN-A, relative to congregate housing and making an appropriation therefor. **OUGHT TO PASS**

Rep. Katharin Pratt for Health, Human Services and Elderly Affairs: This bill provides \$225,000 in state matching funds to expand congregate care services to low-income elderly in Portsmouth, Somersworth and Nashua. These are nonmedical, non-housing support services that can enable the elderly to remain in their own homes at one-quarter the cost of institutionalization. Vote 18-0.

Adopted and referred to Appropriations.

SB 789-FN-A-L, establishing a health care authority. **REFER FOR INTERIM STUDY**

Rep. Michael Morello for Health, Human Services and Elderly Affairs: The committee heard a myriad of health-reform legislation, with SB 789-FN-L being one of the major bills. There were numerous changes, amendments, additions and deletions to the bill, which made it difficult to structure a workable unified health plan that could be implemented, understood and effectively managed. The committee strongly felt that more time to develop such a plan for the State of New Hampshire was called for. Interim study affords the committee the necessary time to bring back comprehensive health plan legislation and accomplish the overall objective of the various health plans heard by the committee. Vote 13-0.

Reps. Katherine Wheeler, Keans and Copenhaver spoke against.

Rep. Katharin Pratt spoke in favor.

Reps Robert Foster and Ann Torr spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 232 - NAYS 118

YEAS 232

BELKNAP

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hauck, William	Holbrook, Robert	Johnson, Carl
Laffam, Robert	Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph
Salatiello, Thomas	Smith, Linda	Turner, Robert	Young, Niel
Ziegra, Alice			

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy
Saunders, Howard	Wiggin, Gordon		

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
Manning, Joseph	McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude
Perry, David	Royce, H. Charles	Smith, Edwin	Young, David

COOS

Foss, Frederic	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Brown, Alson	Brown, Channing	Brown, Patricia	Chase, Paul, Jr.
Driscoll, William	Eaton, Stephanie	Gordon, Edward	Ham, Bonnie
LaMott, Paul	Larson, Nils, Jr.	Rose, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen
White, Paul			

HILLSBOROUGH

Ahrens, Frederick	Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara
Arnold, Thomas, Jr.	Borsa, Andrew	Bowers, Dorothy	Burke, M. Virginia
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Clemons, Jane	Cowenhoven, Garret
Daniels, Gary	Desrosiers, William	Dodge, Emma	Donovan, Francis
Drolet, Paul	Durham, Susan	Dyer, Merton	Dykstra, Leona
Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gervais, Glen	Greenberg, Gary
Hart, Nick	Healy, Daniel	Holden, Carol	Holley, Sylvia
Holt, David	Hunter, Bruce	Jasper, Shawn	Jean, Loren
Kelley, Dana	Kurk, Neal	L'Heureux, Robert	Lefebvre, Roland
Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee	McCarty, Winston
McRae, Karen	Mercer, Robert	Mittelman, David	Moore, Elizabeth
Morello, Michael	O'Hearn, Jane	Packard, Bonnie	Paquette, Rodolphe
Pepino, Leo	Perkins, Paul	Peters, Stanley	Record, Alice
Riley, Frances	Rodgers, G. Philip	Rothhaus, Finlay	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Smith, Leonard	Sullens, Joan
Upton, Barbara	Vanderlosk, Stanley	Wheeler, Robert	Wright, George

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Carter, Susan	Chandler, Earle
Chandler, John	Feuerstein, Martin	Gilbreth, Robert	Hager, Elizabeth
Hess, David	Holmes, Mary	Houlahan, Thomas	Johnson, C. William

Kennedy, Richard
Mitchell, Vernon
Shaw, Randall

Kidder, William
Nichols, Avis
Stapleton, Henry

Langer, Ray
Pfaff, Terence
Whalley, Michael

Lockwood, Robert
Regan, Maurice
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Clark, Vivian
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Katsakiores, George
Kruse, Fred
Malcolm, Kenneth
Noyes, Richard
Putnam, Ed, II
Schanda, Joseph, Sr.
Stone, Joseph
Welch, David
Yennaco, Carol

Arndt, Janet
Bove, Martin
Conroy, Janet
DiPietro, Carmela
Felch, Charles, Sr.
Gage, Beverly
Hurst, Sharleene
Katsakiores, Phyllis
Lee, Rebecca
McKinney, Betsy
Packard, Sherman
Raynowska, Bernard
Senter, Marilyn
Stritch, C. Donald
Weyler, Kenneth

Battles, Marjorie
Case, Margaret
Cote, Charles
Dowd, Sandra
Fesh, Robert
Gargiulo, Louis
Hutchinson, Karen
Klemarczyk, Thaddeus
Lovejoy, Marian
Miller, Don
Pratt, Katharin
Ritzo, Eugene
Skinner, Patricia
Sytek, Donna
Williamson, William

Beaulieu, Jon
Chester, Sherman
Cote, Patricia
Dowling, Patricia
Flanagan, Natalie
Gorman, Donald
Johnson, Robert
Klemm, Arthur, Jr.
MacDonald, Maurice
Moore, Benjamin
Pullman, Robert
Rubin, George
Smith, Arthur
Sytek, John
Woods, Deborah

STRAFFORD

Brown, Julie
McKinley, Robert
Spear, Barbara
Wasson, Richard

Chagnon, Ronald
Musler, George
Torr, Ann

Douglass, Clyde
Nehring, William
Torr, Franklin

Knowles, William
Pageotte, Donald
Torr, Ralph

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Flint, Gordon

Lindblade, Eric

Rodeschin, Beverly

NAYS 118 BELKNAP

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
Richardson, Barbara

Champagne, Richard
Lynch, Margaret
Riley, William

DePecol, Benjamin
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry

Harwell, Tyler

Hawkinson, Marie

GRAFTON

Copenhaver, Marion
Nordgren, Sharon

Crory, Elizabeth

Guest, Robert

McIlwaine, Deborah

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Cote, David
Haettenschwiller, Alphonse
Johnson, Lionel
Leclerc, Charles
Murphy, Robert
Plourde, Alphonse
Stewart, Thomas
White, John

Ahlgren, Madelyn
Bergeron, Lucien
Crotty, Edward
Hall, Betty
Kirby, Thomas
Martin, Mary Ellen
Nardi, Theodora
Reidy, Frank
Toomey, Kathryn

Allen, W. Gordon
Bergeron, Normand
Daigle, Robert
Hanselman, Gregory
Lachut, Ervin
Messier, Irene
O'Rourke, Joanne
Soucy, Donna
Turgeon, Roland

Asselin, Robert
Buckley, Raymond
Gosselin, Gerald
Jean, Claudette
Laughlin, J. Francis
Morrisette, Roland
Philbrook, Paula
Soucy, Richard
Wells, Peter, Sr.

MERRIMACK

Braiterman, Thea
Fillion, Paul
Owen, Derek
Wallner, Mary Jane

Coughlin, Anne
French, Barbara
Rogers, Katherine
Ward, Jay

Daneault, Gabriel
Moore, Carol
Teague, Bert
Yeaton, Charles

Dunn, Miriam
Newland, Matthew
Trombly, Rick

ROCKINGHAM

Caswell, Albert, Jr.
Kane, Cecelia
Pantelakos, Laura
Syracusa, Anthony

Clark, Martha
McGovern, Cynthia
Rosencrantz, James
Vaughn, Charles

Coes, Betsy
Newman, Rick
Splaine, James

Groves, Bonnie
O'Keefe, Patricia
St. Martin, Tommy

STRAFFORD

Brown, George
Hambrick, Patricia
Keans, Sandra
McCann, William, Jr.
Rogers, Rose Marie
Wall, Janet

Callaghan, Frank
Hashem, Elaine
Kincaid, William
McGrath, J. Gregory
Snyder, Clair
Wheeler, Katherine

Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Merritt, Deborah
Sullivan, Henry

Gilmore, Gary
Hilliard, Dana
Lundborn, Raymond
Pelletier, Arthur
Vincent, Francis

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

and the report was adopted.

SB 597, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: This bill as amended will prevent other states from enforcing judgments for income taxes assessed on pension plans or on income earned at the Portsmouth Naval Shipyard of New Hampshire residents. We believe this will be very helpful to many New Hampshire citizens who are unfairly assessed income taxes particularly New Hampshire Shipyard workers. Vote 12-6.

Amendment (5758B)

Amend RSA 524:12 as inserted by section 1 of the bill by replacing it with the following:
524:12 Judgments for Failure to Pay Income Tax on Pensions. All property in this state of a judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax assessed on benefits received from a pension or other retirement plan, or with respect to income earned by an employee at the Portsmouth Naval Shipyard of Portsmouth, New Hampshire shall be exempt from attachment, garnishment of wages, trustee process, or forced sale under process of any court, and no such judgment or execution based thereon shall be a lien on such property.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

SB 602-FN, relative to defaults on payments of motor vehicle fines or court appearances. **OUGHT TO PASS**

Rep. Henry Mock for Judiciary: This bill prevents the division of motor vehicles from purging records of license suspensions for defaults, particularly those involving DWI violations, until the defendants license or driving privilege is reinstated. The bill further requires the names of persons, whose licenses are suspended for court defaults, to be reported to the National Drivers Registry. Vote 9-6.

Adopted and ordered to third reading.

SB 749-FN, relative to the workers' personal care assistance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur W. Smith for Labor, Industrial and Rehabilitative Services: This bill increases the maximum annual income amount a person may have and receive a full subsidy for personal care attendants under the workers' personal care assistance program. The bill also increases the maximum subsidy amount. It also deletes the authorization for the director of vocational rehabilitation to develop a list of personal care attendants available to be hired by persons with severe physical disabilities. The Fiscal Note calls for state expenditures of \$210,000 in FY95 and \$297,000 in FY 96. The Committee amendment changes the effective date to January 1, 1995. Vote 10-2.

Amendment (5782B)

Amend the bill by replacing section 4 with the following:
4 Effective Date. This act shall take effect January 1, 1995.
Adopted.

Report adopted and referred to Appropriations.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration beyond the deadline of **HB 1588-L**, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1588-L, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum. **OUGHT TO PASS**

Rep. Ed M. Putnam II for Municipal and County Government: In the past, we have been asked to support legislation to be presented to the towns for their action. We feel now, as before, this should be a self-determination by the communities involved. Vote 13-0.

Adopted and ordered to third reading.

SB 508-L, enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paula E. Bradley for Municipal and County Government: This bill will allow for the establishment of more effective partnerships between cities and towns to promote and encourage economic development. The amendment corrects a one-word error in the original bill. Vote 13-0.

Amendment (5849B)

Amend RSA 162-G:15-a, II(a) as inserted by section 13 of the bill by replacing it with the following:

(a) [The] *An authority shall consist of a board of directors of not less than 9 nor more than 15 members appointed for 3-year terms. [A] If an authority is formed by a single governmental unit, a majority of the board members shall reside within the boundaries of [the city] that governmental unit. If an authority is formed by 2 or more governmental units, each such governmental unit shall be represented on the board, and a majority of the board members shall reside within the boundaries of those governmental units forming such authority.* The board members *from towns* shall be appointed *by the board of selectmen or the town council; board members from cities shall be appointed* by the mayor subject to the provisions of the city charter. The terms of the initial members of [the] *any* board so established shall be staggered so that 1/3, or as close to 1/3 as possible, of the board members will be appointed each year.

Rep. Larson spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 771-FN-A, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Welch for Public Protection and Veterans Affairs: SB 771 authorizes additional training of police, prosecutors, and correctional personnel in the prevention, investigation and prosecution of sexual assault cases. The committee amendment authorizes the Police Standards and Training Council to expend funds which it already has. \$25,000 will be drawn from its agency income. Vote 11-0.

Amendment (5965B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases and making an appropriation therefor.

Amend the bill by replacing all after section 1 with the following:

2 Supplemental Appropriation; Police Standards and Training Council; Sexual Assault Training. Amend 1993, 349:1.06, 04, 09, 02 by inserting the following new class:

	<i>Fiscal Year</i> 1994	<i>Fiscal Year</i> 1995
90 Sexual assault training	\$ 0	\$ 25,000

3 Totals Changed. Amend the totals and estimated source of funds for 1993:1.06, 04, 09, 02 for fiscal year 1995 to read as follows:

	<i>Fiscal Year</i> 1995
Total	[953,153] 978,153
Estimated source of funds for training	
09 agency income	[953,153] 978,153
Total	[953,153] 978,153

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the director of the police standards and training council to offer additional training of police, prosecutors and correctional personnel in the prevention, investigation and prosecution of sexual assault cases as recommended by the law enforcement and prosecutor training task force established under 1992, 110 as amended by 1993, 166.

The bill makes an appropriation to the police standards and training council for the purposes of offering the additional training.

Adopted.

Report adopted and referred to Appropriations.

SB 761-A, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Chandler for Public Works: This bill asserts a need to maintain and improve the rail lines owned by Class III railroads and the state. In the case of privately owned railroads the private interests must contribute thirty percent of the cost and provide other guarantees. This bill appropriates \$2.5 million and authorizes a bond issue for this purpose. The debt service is to be borne entirely by the state's share of the rail property tax set forth in Revised Statutes Annotated 82. The committee amendment clarifies the intent of the bill. Vote 12-2.

Amendment (6030B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court hereby declares that the purpose of this act is to improve the economy of the state, that rail service is indispensable to certain areas of the state, there is a need to provide and maintain efficient and viable rail lines of New Hampshire class III railroads and state-owned rail lines, there is a need to keep rail lines of class III railroads in the private sector by utilizing qualified short line operators, and that there is a need to provide state funds for local rail assistance to maintain the rail lines of short line railroads.

2 Class III Railroad and State-Owned Rail Line Capital Rehabilitation Account. Notwithstanding any provision of law, there is hereby established the class III railroad and state-owned rail line rehabilitation account. Funds in this account shall be spent on rehabilitating the rail lines of class III railroads that are included in the New Hampshire state rail plan as updated and which meet the requirements of the benefit/cost analysis as prepared by department of transportation, bureau of railroads and public transportation, or on rehabilitating state-owned rail lines approved for rehabilitation by the bureau.

3 Appropriation. The sum of \$2,500,000 is hereby appropriated, in addition to any other sums appropriated, to the department of transportation, bureau of railroads and public transportation to be deposited in the class III railroad and state-owned rail line capital rehabilitation account for the fiscal year ending June 30, 1995, for the purpose of rehabilitating the rail lines of class III railroads and state-owned rail lines. This appropriation shall be nonlapsing and continuing and shall be subject to RSA 228:66.

4 Bonds Authorized. To provide for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding \$2,500,000 for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payment of principal and interest of the bonds and notes shall be made as provided in section 5. The bonds shall be 10-year bonds.

5 Payment of Bonds. Notwithstanding any other provision of law, moneys received by the state pursuant to RSA 82:31, III shall be designated for the payment of principal and interest of the bonds and notes issued pursuant to section 4 of this act. Such designation shall lapse upon completion of payment of such bonds and notes.

6 Rehabilitation of Rail Lines; Matching Funds for State Funds. Amend RSA 228:66, I to read as follows:

I. All state funds shall be matched by the owner, shipper, or user in cash, labor, or materials in an amount equal to [20] 30 percent of the total amount provided. All federal funds shall be matched by the owner, shipper or user in cash, labor, or materials in an amount equal to the percentage established by the Federal Railroad Administration of the total amount provided for the particular project.

7 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill appropriates funds to the department of transportation, bureau of railroads and public transportation, to rehabilitate the rail lines of class III railroads and state-owned rail lines. Moneys received by the state from the taxation of railroads shall be designated for the payment of bonds and notes authorized under this bill.

The bill increases from 20 to 30 percent the amount of matching funds which owners, shippers or users must provide to receive state funds for rehabilitation and maintenance of rail properties.

Adopted.

Report adopted and referred to Appropriations.

SB 794-A, making a capital appropriation for highway transportation infrastructure. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Chandler for Public Works: This important bill seeks to increase funding for the highway and bridge betterment account by \$28 million for the reconstruction and maintenance of state roads not receiving federal funds. The Public Works Committee concurred in the need for this infusion, but was uncomfortable with the method of bonding proposed by the bill. The committee amendment achieves a "pay-as-you-go" solution by transferring \$3 million already appropriated in Fiscal Year 94, and then over the next three bienniums appropriating the difference between \$7.5 million and the prevailing annual debt service charged to the highway fund to this purpose. A safety valve is also provided to ensure that any deficit in the highway surplus account is given priority over betterments. Vote 15-0.

Amendment (5950B)

Amend the title of the bill by replacing it with the following:

AN ACT

transferring highway funds from the municipal bridge aid program to the highway aid bridge betterment program and making an appropriation to the highway surplus account and the highway and bridge betterment account.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Transportation; Betterment Program; Appropriation Increased. Amend 1993, 349:1.04, 01, 03, 11, 01, fiscal year 1994, as follows:

FY 1994

Strike out:

90 Betterments/state bridge aid	D	\$ 9,772,000
Total		9,772,000
estimated source of funds for betterment		
09 Agency income		9,772,000
Total		9,772,000

Insert in place thereof:

90 Betterment/state bridge aid	D	12,772,000
Total		9,772,000
estimated source of funds for betterment		
09 Agency income		9,772,000
Highway funds		3,000,000
Total		12,772,000

2 Department of Transportation; Municipal Bridge Program Appropriation Reduced. Amend 1993, 349:1.04, 01, 03, 14, fiscal year 1994, as follows:

FY 1994

Strike out:

90 Municipal bridge aid program	\$10,000,000
Total	10,000,000
Estimated source of funds for municipal bridge program	
00 Federal funds	4,000,000
05 Private local funds	2,000,000
Highway funds	4,000,000
Total	10,000,000

Insert in place thereof:

90 Municipal bridge aid program	6,250,000
Total	6,250,000
Estimated source of funds for municipal bridge program	
00 Federal funds	4,000,000
05 Private local funds	1,250,000
Highway funds	1,000,000
Total	6,250,000

3 Appropriation. In each of the next 3 bienniums beginning July 1, 1995, the difference between \$7,500,000 and the debt scheduled to be paid on existing department of transportation bonds for such biennium is hereby appropriated to the department of transportation. The department shall first use any such sums to cover any deficit in the highway surplus account and any remaining sums shall be deposited in the highway and bridge betterment account. These sums are in addition to any other sums that may be appropriated to the department and shall be nonlapsing.

4 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill transfers highway funds from the municipal bridge aid program to the highway aid bridge betterment program.

This bill also makes an appropriation in the next 3 bienniums to the department of transportation to cover any deficits in the highway surplus account and if any sums are remaining they shall be deposited in the highway and bridge betterment account.

Adopted.

Report adopted and referred to Appropriations.

SB 801-A, increasing the department of transportation's authority to obtain certain bonds from 5-year bonds to 10-year bonds. **OUGHT TO PASS**

Rep. John P. Chandler for Public Works: In 1992, the legislature established a revolving equipment fund for the New Hampshire Department of Transportation to provide for a dependable source of funds for equipment replacement. A bond issue was authorized to provide the initial funds, but the five-year bonds debt service schedule would consume nearly all the revenues budgeted in this biennium. Shifting to ten year bonds as provided in this bill defers debt service to 1998 and beyond, thus, giving the revolving fund time to accumulate funds for equipment replacement as well as the debt service when it comes due. Vote 9-3.

Adopted and ordered to third reading.

SB 655-FN-A, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor. **OUGHT TO PASS**

Rep. Thomas J. Kirby and Howard C. Dickinson for Resources, Recreation and Development: This bill will provide timely information necessary for the study of the recommendations of the Northern Forest Lands Council required in SB 653. Furthermore, RSA 220:5 requires that a timber resource inventory be provided every 10 years. The last study was completed 12 years ago. During this period, New Hampshire forests have experienced great changes from continued conversion through land development, clearcutting, spruce budworm damage and reversion of farm to forest land. The forest products industry needs this information to determine its raw material base, without which the expansion of the industry capacity and job base is endangered. Existing data coupled with modern technology enables us to accomplish this at a very reasonable price. Vote 14-3.

Adopted and referred to Appropriations.

SB 674-FN-A, placing responsibility for dredging projects in tidal waters with the port authority and continually appropriating certain fees to the port authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill, as amended, places responsibility for management of all tidal-water dredging with the Port Authority, with funds from unrestricted revenues obtained from dockage and wharfage fees. The bill also updates RSA 482-A:5I(i) by having the four public members compensated by continuing the present policy of a stipend. Vote 17-0.

Amendment (5894B)

Amend the title of the bill by replacing it with the following:

AN ACT

placing responsibility for dredging projects in tidal waters with the
port authority, continually appropriating certain fees to the
port authority and compensating the public members
of the wetlands board for their services.

Amend the bill by replacing section 3 with the following:

3 Funding. The port authority shall carry out the provisions of RSA 271-A:20 with funds from unrestricted revenues obtained from dockage and wharfage fees.

Amend the bill by replacing all after section 4 with the following:

5 Compensation Added. Amend RSA 482-A:5, I(i) to read as follows:

(i) Four members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions; one shall be a supervisor, associate supervisor, former associate supervisor or former supervisor, of a conservation district

at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts; one shall be an elected municipal official at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Municipal Association; and one shall be a member of the construction industry at the time of appointment, and be nominated by the governor. The 4 members appointed under this subparagraph shall be entitled to expenses [as may be authorized by the governor and council] *and \$50 per diem*.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill places responsibility for the management of all tidal water dredging projects with the port authority, with funds from unrestricted revenues obtained from dockage and wharf-age fees.

This bill also requires the public members of the wetlands board to be compensated for their duties.

Adopted.

Report adopted and referred to Ways and Means.

SB 730-FN, relative to funding for low income and financially disadvantaged utility assistance programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frederic A. Foss for Science, Technology and Energy: This bill provides another much-needed future source of funds (approximately 6 percent) for a statewide energy utility assistance program known as the Neighbor Helping Neighbor fund. These funds supplement funds now provided by certain utility firms, their employees and their customers. The State Treasurer's office has indicated that there is no effect on general fund revenues and only a small fiscal impact on some county revenues. Vote 10-0.

Amendment (5754B)

Amend RSA 471-C:26, I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) A person claiming an abandoned utility deposit or any other abandoned property under the provisions of RSA 471-C:8 that was not deposited with the administrator pursuant to RSA 471-C:8, II, may file a claim on a form prescribed by the administrator and verified by the claimant. Any claim paid by the administrator under this paragraph, shall be reimbursable by the utility company which originally reported the property as abandoned. The utility company shall remit such payment upon notification of the claim by the administrator.

Adopted.

Report adopted and ordered to third reading.

SB 583, establishing a committee to study the feasibility of issuing special license plates to nonprofit conservation organizations and using the proceeds from the fees to benefit nonprofit conservation organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth W. Malcolm for Transportation: The committee decided after much deliberation and discussion to study this bill within the already formed special-plate study committee. This committee will be having an in-depth study of the many special-plate requests which appear to have merit. Vote 10-2.

Adopted.

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Welch for Public Protection and Veterans Affairs: Senate Bill 685, as amended by the Senate, allows the Fire Standards and Training Commission to adopt rules establishing fees for tuition and services; to establish educational and training standards for fire service personnel and permits the Commission to delegate its powers and duties to the Division of Fire Standards and Training with the approval of the Department of Safety. The committee amendment separates the Division of Fire Services into the Division of Fire Safety (Fire

Marshall) and the Division of Fire Standards and Training. The post of Director of Fire Services is eliminated. Currently, the term of office for the Director of Fire Services has expired. This is a request by the Department of Safety and supported by all the groups to be affected. Vote 16-0.

Amendment (6008B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; granting municipalities options for fire department financing and property ownership; and changing the bureau of fire standards and training to the division of fire standards and training.

Amend RSA 21-P:33 as inserted by section 3 of the bill by replacing it with the following: 21-P:33 Delegation. With the approval of the commissioner of the department of safety, the commission may delegate to the division of fire standards and training any powers and duties enumerated in this subdivision.

Amend the bill by replacing all after section 5 with the following:

6 Duties of Assistant Commissioner. Amend RSA 21-P:5, II to read as follows:

II. The assistant commissioner shall perform such duties as are assigned by the commissioner. The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties. The assistant commissioner shall be responsible for the operations of the [bureau] *division* of hearings, the bureau of fire safety, and the division of enforcement.

7 Division of Fire Safety. RSA 21-P:12 is repealed and reenacted to read as follows:

21-P:12 Division of Fire Safety. There is established within the department a division of fire safety under the supervision of an unclassified director of fire safety who shall be known as the state fire marshal. The state fire marshal shall be nominated by the commissioner of safety, after consultation with the state advisory board of fire control, for appointment by the governor, with the consent of the council, and shall serve a term of 4 years until a successor is appointed. The state fire marshal shall be academically and technically qualified to hold the position. He shall be a citizen of this state or become a citizen of this state within one year of his appointment. He shall devote his entire time to the duties of the division of fire safety and shall receive the salary specified in RSA 94:1-a for the state fire marshal. The state fire marshal shall be responsible for the following functions, in accordance with applicable law.

I. Investigation of the causes and circumstances of fires.

II. Fire safety regulations and education.

III. Coordination of state agency response to accidents involving hazardous materials, and regulation of liquid propane gas pipelines safety, except propane gas pipelines regulated by the public utilities commission pursuant to RSA 362.

IV. Carrying out all other functions assigned to him in RSA 153 or any other provision of law.

8 New Section; Division of Fire Standards and Training. Amend RSA 21-P by inserting after section 12 the following new section:

21-P:12-a Division of Fire Standards and Training. There is established within the department a division of fire standards and training under the supervision of an unclassified director of fire standards and training who shall administer and supervise a fire service training and research program throughout the state. This division shall establish training standards and offer instruction in methods of determining and dealing with the causes of fire and the prevention of fire, techniques in firefighting and rescue, research in techniques in firefighting and fire protection, and the administration and management of fire department. The director of fire standards and training shall be nominated by the commissioner of safety, after consultation with the fire standards and training commission, for appointment by the governor, with consent of the council, and shall serve a term of 4 years until a successor is appointed. The commission shall take a recorded vote regarding its concurrence or non-concurrence in the

commissioner's nomination decision. If the commission votes not to concur in the decision, it shall submit a letter to the commissioner so stating, and the commissioner shall in turn submit that letter to the governor and council. The director of fire standards and training shall be academically and technically qualified to hold the position, and shall receive the salary specified in RSA 94:1-a.

9 Change From Bureau to Division. Amend RSA 21-P:15 to read as follows:

III. Any transfer involving the [bureau] *division* of fire standards and training undertaken pursuant to this section shall require the concurrence of the fire standards and training commission.

10 Composition of Fire Standards and Training Commission. Amend the introductory paragraph of RSA 21-P:26, I to read as follows:

I. There shall be a fire standards and training commission consisting of [13] **15** members, including the commissioner of education or [his] designee, the attorney general or [his] designee, the chief of the forest fire service, *the director of the division of fire standards and training, and the director of the division of fire safety*, who shall each serve during his continuance in such office, and one active member of each of the following associations or groups chosen by the governor, with the approval of the council, from a list of 3 qualified members submitted by each association or group:

11 New Paragraph; Composition of Fire Standards and Training Commission. Amend RSA 21-P:26, I by inserting after subparagraph (j) the following unnumbered paragraph: The director of the division of fire standards and training and the director of the division of fire safety shall be nonvoting members of the commission.

12 Fire Standards and Training Commission. Amend RSA 21-P:26, IV to read as follows:

IV. Members shall annually elect from among themselves a person to serve as commission chairman and another to serve as commission vice-chairman. The director of *the division of fire [service] standards and training* shall serve as the commission's executive officer. The commission shall hold no fewer than 4 regular meetings a year at such times and places as the chairman shall fix, either on his own motion or upon written request of any 4 members.

13 Powers and Duties of Fire Standards and Training Commission. Amend RSA 21-P:28, I(g) to read as follows:

(g) Employ, along with the director of *the division of fire [service] standards and training*, part-time instructors or assistants and compensate them for organizing, developing, and conducting approved fire training and rescue courses or other work as directed at an hourly rate established by the commission and for mileage and expenses incurred in performing their official duties;

14 Duties of Fire Standards and Training Commission. Amend RSA 21-P:28, II(b) to read as follows:

(b) Recommend to the director of *the division of fire [service] standards and training* that he enter into contracts or do such things as may be necessary and incidental to the administration of the commission's authority pursuant to this subdivision;

15 Unclassified Salary Changes. Amend RSA 94:1-a, I, group N by:

I. Deleting the following: chief of fire standards and training.

II. Inserting the following: director of division of fire standards and training.

16 Unclassified Salary Change. Amend RSA 94:1-a, I by deleting in group P the following: director of fire services.

17 Repeal. RSA 21-P:28, I(i), relative to preparation of a budget for the bureau of fire standards and training, is repealed.

18 Reference Change. Amend RSA 100-A:3, III-c to read as follows:

III-c. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years' fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA 21-P:25, II(b) who has 10 years' fire service experience, who is or becomes the director of *the division of fire [service] safety*, the administrator of the fire standards and training commission, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, fire fighting, or rescue training functions and who has as a job requirement satisfied the fire

standards and training commission's entrance and certification requirements for physical condition, education, and training shall be construed to be a permanent fireman for the purposes of membership in group II and shall remain in the system for the duration of his service in that capacity with the fire standards and training commission.

19 Positions Abolished; Transition; New Positions Established.

I. The position of director of fire service is hereby abolished.

II. The person serving a term of office as the state fire marshal on the effective date of this section shall continue to serve out the term to which he was appointed, and, the effective date of this section, shall also be the director of the division of fire safety. He may be reappointed upon the expiration of his term.

III. The position of unclassified chief of fire standards and training is abolished effective March 31, 1997, or, if the date is earlier, upon the date of the departure from office of the person serving as chief of fire standards and training on the effective date of this act. Upon the date on which the position of unclassified chief of fire standards and training is abolished, there shall be established a classified position of chief of fire standards and training.

IV. Upon appointment of a director of the division of fire standards and training, the unclassified chief of fire standards and training shall be subordinate to the director of this division of fire standards and training. The term of the first person appointed as director of the division of fire standards and training pursuant to this act shall expire on March 31, 1997. Thereafter, the director of the division of fire standards and training shall serve a term as set forth in section 8 of this act.

20 Effective Date.

I. Sections 1-5 of this act shall take effect 60 days after its passage.

II. Paragraph I of section 15 of this act shall take effect as provided in paragraph III of section 19 of this act.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Allows the fire standards and training commission to adopt rules establishing fees to be collected for tuition and services.

(2) Gives the commission the authority to establish and publish educational and training standards for fire service personnel and exempts this authority from the requirements of the administrative procedure act.

(3) Changes the bureau of fire standards and training to the division of fire standards and training.

(4) Permits the commission to delegate its powers and duties to the division of fire standards and training, with the approval of the commissioner of the department of safety.

(5) Allows municipalities the option of choosing a form of financing and property ownership for their fire departments.

Adopted.

Rep. Welch offered a floor amendment.

Floor Amendment (6025B)

Amend paragraph III as inserted by section 20 of the bill by replacing it with the following:

III. The remainder of this act shall take effect August 1, 1994.

Rep. Welch spoke in favor.

Adopted.

Report adopted and referred to Executive Departments and Administration.

SB 708-FN, permitting the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee. **INEXPEDIENT TO LEGISLATE**

Rep. Henry Coulombe for Wildlife and Marine Resources: The Committee felt that the first part of the bill had merit, but that the amendment was best left to the rule-making process. Vote 12-0.

Rep. Felch moved to Recommit to Committee.

Adopted.

CLERK'S NOTE

Upon hearing no objection, the Speaker called for the House to consider at the present time the first six bills on the Regular Calendar for April 21, 1994.

SB 740-FN, relative to employee leasing. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill establishes regulation over employee leasing companies, which are a new entity in our labor market and have been so far unregulated leaving open the possibility of problems. It clarifies the relationship between these companies and the clients they serve. It provides that no company shall be licensed by the Labor Department until they have met all legal requirements protecting employers and employees. It also provides that all protections for employers and employees now in the law remain in force. Vote 14-0.

Amendment (6005B)

Amend RSA 277-B:5, V as inserted by section 1 of the bill by replacing it with the following:

V. Every application for an original, renewal or restricted license, shall be accompanied by evidence satisfactory to the commissioner that the leased employees are covered by a workers' compensation policy issued by a carrier admitted to write such coverage in this state. Employee leasing companies insured in the residual market only shall be issued the National Council of Compensation Insurance Multiple Coordinated Policy as approved by the Insurance Commissioner. Employee leasing companies insured in the voluntary market shall upon request make available claims data on a client company basis to the National Council of Compensation Insurance. A client company shall be assigned its claims data upon terminating its relationship with an employee leasing company which data shall be used in calculating the client company's subsequent workers' compensation premium. The application shall also be accompanied by evidence satisfactory to the commissioner that any health insurance benefits covering leased employees are provided pursuant to the provisions of RSA 227-B:11, II.

Amend RSA 277-B:5 as inserted by section 1 of the bill by inserting after paragraph V the following:

VI. Every application for an original, renewal or restricted license, shall be accompanied by a certification that the applicant does not conduct a temporary help service through the same entity as the applicant's employee leasing company.

Amend RSA 277-B:9, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The employee leasing company provides each client company with written disclosure that it is the rated employer for unemployment compensation purposes at the time that client company enters into an employee leasing arrangement with the leasing company. Such notice shall disclose that payments made by the leasing company to the department of employment security are made on the leasing company's account, its rate and the new wage base at the time of engagement, and that upon termination of the employee leasing arrangement, the client company will return to its previous rate and account balance, if allowable under applicable law, and that the client company shall assume a new wage base.

Amend RSA 277-B:11, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Through a plan which has been qualified as a single employer plan under the provisions of ERISA.

Amend RSA 277-B as inserted by section 1 of the bill by inserting after section 17 the following:

277-B:18 Applicability. Nothing in this chapter shall relieve any client company or employee leasing company from the provisions of any other applicable state law not inconsistent with this chapter or any applicable federal law.

Adopted.

Report adopted and referred to Executive Departments and Administration.

SB 687, relative to the duties of the legislative advisory committee on campaign financing statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Martin N. Bove for Constitutional and Statutory Revision: The members of the committee felt that everything that was in the bill already existed in law and that by listing subjects, the possibility of omission of other subjects could create problems. Vote 12-1.

Adopted.

SB 516, making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: This bill amends a section of law which authorizes a law enforcement officer to require suitable aid when needed, and which has been in effect, with only minor wording changes, since 1842. The committee was reluctant to tinker with a provision that has served so long and so well, but a ten-dollar fine does seem a bit obsolete and some of the language needs clarification. The bill as it came from the senate dealt only with the officer asking someone to summon assistance, and in the process would have repealed the much broader "suitable aid". Since there can be little doubt that summoning assistance is "suitable aid", there is no need to start a laundry list by making it explicit. Vote 12-1.

Amendment (5865B)

Amend the title of the bill by replacing it with the following:

AN ACT

making it a violation to fail to render aid when requested by a
law enforcement officer who requires aid in a
criminal case or an emergency situation.

Amend the bill by replacing section 1 with the following:

1 Penalty for Failure to Give Aid to a Law Enforcement Officer When Required. RSA 594:6 is repealed and reenacted to read as follows:

594:6 Aid to Officers. Every law enforcement officer who encounters a need for assistance in the execution of his office in a criminal case or emergency situation may require any person to render suitable aid. Any person who, when so required, neglects or refuses to give such aid shall be guilty of a violation.

AMENDED ANALYSIS

This bill makes it a violation to fail to render aid when requested by a law enforcement officer who requires aid in a criminal case or an emergency situation.

Rep. Richard Campbell yielded to questions.

Rep. Donna Sytek spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

Rep. DePecol wished to be recorded in opposition.

SB 673-FN, generally amending certain provisions relating to domestic violence. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna P. Sytek for Corrections and Criminal Justice: HB 673 clarifies several sections of RSA 173-B, the domestic violence statute relating to court ordered counseling, eligibility for participation in programs, and the effect of previous reconciliations on future restraining orders. New provisions in the bill include: authorization for the State Police to maintain a central registry of restraining orders, expansion of confidentiality privilege to co-participants in support groups, and most importantly, making it a misdemeanor to violate a restraining order. The amendment makes several technical changes in the bill, and changes the effective date. The bill is a recommendation of Judge Kelly's District Court Domestic Violence Protocol Task Force. Vote 12-1.

Amendment (5971B)

Amend RSA 173-B:4, VI(d) as inserted by section 5 of the bill by replacing it with the following:

(d) Notwithstanding any other provision of law, the department of safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable

under this paragraph, provided they are acting in good faith and without gross negligence, and within the scope of their duties and authority.

Amend the bill by replacing section 8 with the following:

8 New Paragraph; Violation of Protective Order Constitutes a Misdemeanor. Amend RSA 173-B:8 by inserting after paragraph II the following new paragraph:

III. A person is guilty of a misdemeanor if such person knowingly violates a protective order issued under RSA 173-B or RSA 458:16, III or any similar protective order issued by any other state, territory, or possession of the United States, the commonwealth of Puerto Rico, or the District of Columbia.

Amend the bill by replacing section 10 with the following:

10 New Paragraph; Privilege Applicability to Others. Amend RSA 173-C:2 by inserting after paragraph I the following new paragraph:

I-a. The privilege and confidentiality under paragraph I shall extend to:

- (a) A third person present to assist communication with the victim.
- (b) A third person present to assist a victim who is physically challenged.
- (c) Co-participants in support group counseling of the victim.

Amend the bill by replacing sections 12 and 13 with the following:

12 Violation of Protective Orders; Stalking Added. Amend RSA 458:16, III to read as follows:

III. When a party violates a restraining order issued under this section by committing assault, criminal trespass, criminal mischief, *stalking*, or another criminal act, that party shall be guilty of a misdemeanor, and peace officers shall arrest the party, detain the party pursuant to RSA 594:19-a and refer the party for prosecution. Such arrests may be made within 6 hours after a violation without a warrant upon probable cause whether or not the violation is committed in the presence of a peace officer.

13 Effective Date.

I. Section 8 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Provides that a person's minority shall not preclude relief or services relative to domestic violence, and that a minor need not be accompanied by a parent or guardian to receive such relief or services.

II. Authorizes the court to require the abusing party to engage in counseling, but the court shall not require the victim to engage in joint counseling with the defendant.

III. Provides that previous reconciliation prior to filing the current action shall not be grounds for denying a protective order.

IV. Allows for transmission to the department of safety of regular orders by computer, and of telephonically issued emergency orders by telephone or facsimile.

V. Provides that the state police shall make information regarding the protective order available to police and sheriff departments statewide, and requires the court to notify local law enforcement when a protective order expires or terminates, or when changes or modifications are made to the order, and provides good faith immunity to the department of safety.

VI. Adds stalking as a violation of a protective order.

VII. Provides that violation of a protective order is a misdemeanor.

VIII. Allows privilege and confidentiality to apply to certain third persons.

IX. Provides that a counselor's duty to report shall not apply to a minor seeking relief from an intimate partner.

Adopted.

Rep. Donna Sytek yielded to questions.

Report adopted and ordered to third reading.

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill establishes a procedure for the involuntary commitment of persons with mental retardation who commit violent

felonies but are found incompetent to stand trial. The commitment mechanism is similar to the process currently used for people who are dangerous as a result of mental illness, but eligibility under the bill is much more narrow. The amendment specifies that placement in the secure psychiatric unit is to be used only as a last resort when required for public safety, and spells out more clearly the findings to be made by the Probate Court. The bill appropriates \$44,232 to the Department of Corrections for the six months starting in January 1995, and gives the Department of Mental Health and Developmental Services authority to access necessary funds, subject to approval of the fiscal committee and Governor and Council. Vote 12-1.

Amendment (6011B)

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. The general court recognizes that a small group of individuals with mental retardation are charged with certain serious felonies, yet are found not competent to stand trial. Those individuals cannot be involuntarily committed pursuant to RSA 135-C since that chapter requires a finding by the probate court that the individual suffers from a mental illness. This act will authorize the involuntary commitment of only those individuals who have been charged with serious felonies and have been found not competent to stand trial because of mental retardation, and will provide services for such individuals. While protecting members of the community who have been victimized by the individuals who are the subject of this act, the legislation is limited in its application to protect the civil liberties of other persons with mental retardation who have not been charged with a serious felony.

2 Evaluation for Commitment. RSA 135:17-a is repealed and reenacted to read as follows:
135:17-a Evaluation for Commitment.

I. After a determination by the superior or district court that a person is not competent to stand trial, the court may order the person to remain in custody for a reasonable period, not to exceed 90 days, to be evaluated for appropriateness for involuntary admission into the state mental health services system, including the secure psychiatric unit, and to commence civil proceedings, if appropriate. The court may order such person to submit to examinations by a psychiatrist, designated by the state, for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state mental health services system, including the secure psychiatric unit.

II. After a determination by the superior or district court that:

(a) A person is not competent to stand trial;

(b) The person has been charged with a felony involving serious bodily injury or the use of a deadly weapon, or with aggravated felonious sexual assault (other than pursuant to RSA 632-A:2, I(h)) or felonious sexual assault, or with arson pursuant to RSA 634:1, II or III; and

(c) Probable cause exists that the person meets the criteria for commitment under RSA 171-B:2;

the court may order the person to remain in custody for a reasonable period, not to exceed 90 days, to be evaluated for the appropriateness for involuntary admission into the state developmental services delivery system or the secure psychiatric unit, and to commence civil proceedings, if appropriate. The court may order such person to submit to examinations by a physician, psychiatrist or psychologist, designated by the state, who shall have experience and training in mental retardation, for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state developmental service delivery system or the secure psychiatric unit.

3 New Paragraph; Definition Added. Amend RSA 171-A:2 by inserting after paragraph XV-a the following new paragraph:

XV-aa. "Receiving facility" means any facility designated by the director pursuant to RSA 171-A:20.

4 Exception Added. Amend RSA 171-A:5 to read as follows:

171-A:5 Voluntary Entry Into Service Delivery System.

I. Applications for service shall be made by the developmentally disabled person seeking such service, and all placements shall be voluntary. If the client is under the age of 18, the application for service may be initiated by a parent or legal guardian. If the client is over

the age of 18 and has been adjudicated incompetent by the probate court, the application for service may be initiated by the court-appointed guardian. If the screening evaluation by the area agency recommends the residential placement of a minor or of a legally incompetent person, the hearing procedures established by the division under RSA 171-A:6 and 10 shall apply.

II. Notwithstanding paragraph I, a person may be involuntarily admitted to the service delivery system pursuant to RSA 171-B.

5 Exception Added. Amend RSA 171-A:7 to read as follows:

171-A:7 Withdrawal from Service Delivery System. *Except for a person admitted involuntarily pursuant to RSA 171-B*, a client at any time may seek a change in placement or withdraw entirely from the service delivery system. A parent or legal guardian may seek a change of placement for or withdraw entirely a minor or ward in his custody at any time, unless such minor has reached the age of majority during such placement. The administrator shall notify the area agency of any such withdrawal and may, if appropriate, indicate in the client's record that such withdrawal was against professional advice.

6 New Paragraph; Termination of Service. Amend RSA 171-A:8 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding this section, the administrator shall not terminate service to a person involuntarily admitted pursuant to RSA 171-B without prior approval of the director, except:

(a) Upon transfer of the person to another receiving facility or to the secure psychiatric unit; or

(b) Upon expiration of the order of commitment.

7 New Section; Transfer of Involuntary Admittees; Rules. Amend RSA 171-A by inserting after section 8 the following new section:

171-A:8-a Transfer of Involuntary Admittees; Rules.

I. A receiving facility to which a person is ordered for involuntary admission or to which such person has been transferred may transfer the person to another receiving facility if the receiving facility to which the person is to be transferred can better provide the degree of security and treatment required by the person. All transfers shall require the approval of the director or designee. The director shall adopt rules, pursuant to RSA 541-A, relative to transfer criteria and procedures for the challenge of transfer decisions by the persons so transferred.

II. Transfers to the secure psychiatric unit of involuntary admittees may be made pursuant to RSA 171-B:15.

8 New Subdivision; Involuntary Admission. Amend RSA 171-A by inserting after section 19 the following new subdivision:

Involuntary Admission

171-A:20 Receiving Facility; Rules. The director shall adopt rules, pursuant to RSA 541-A, relative to the criteria and procedures for designation of receiving facilities which receive persons for involuntary admissions under RSA 171-B. A receiving facility may be designated by the director for one or more purposes, including, but not limited to:

I. Receiving persons for involuntary admission directly pursuant to a court order; and

II. Receiving involuntarily admitted persons by transfer with the approval of the director or designee.

171-A:21 Discharge by Administrator.

I. When any person has been involuntarily admitted to a receiving facility pursuant to RSA 171-B or conditionally discharged pursuant to paragraph II of this section, the administrator of the receiving facility most recently providing services to the person may grant an absolute discharge to the person with the consent of the director or designee who has reviewed the person's situation, provided that the director or designee determines that an absolute discharge shall not create a potentially serious likelihood of danger to others or a potentially serious likelihood of substantial damage to real property. The administrator shall, in writing, immediately notify the court entering the original order of commitment and the attorney general that the person has been given an absolute discharge from the receiving facility. Upon receipt of the notice, the court shall make the notice part of the person's file and shall enter the discharge and date of discharge upon the docket.

II. The administrator of the facility may, with prior approval of the director or designee, grant a person, whose condition is not considered appropriate for absolute discharge, a conditional discharge.

171-A:22 Conditions of Conditional Discharge.

I. The administrator of a receiving facility may, with prior approval of the director or designee, grant a conditional discharge to any person who consents, by an informed decision, to participate in continuing services from an area agency, who agrees to be subject to any rules adopted by the director relative to conditional discharge, and who agrees to comply with the conditions of the discharge. The administrator of the facility or designee shall prepare, deliver a copy of, and read and explain to the person being conditionally discharged a written statement in clear and understandable language of the conditions of conditional discharge and a warning that violation of those conditions may result in revocation of the conditional discharge pursuant to RSA 171-A:23.

II. A conditional discharge shall not exceed the period of time remaining on the order of involuntary admission and shall become absolute at the end of its term, unless extended by the court.

171-A:23 Revocation of Conditional Discharge.

I. If an administrator at an area agency providing continuing services to a person conditionally discharged pursuant to RSA 171-A:22 or the administrator's designee reasonably believes that:

(a) The person has violated a condition of the discharge; or

(b) A condition or behavior exists as a result of which the person may pose a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, the administrator or designee may conduct a review of the acts, behavior or condition of the person to determine if the conditional discharge shall be revoked. The review may be conducted only after the person has been given written and verbal notice of the belief, and the reasons for such belief, that a violation of the conditional discharge has occurred or other circumstance or condition exists which may result in a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, and the person has been given an opportunity to provide information to the administrator or designee as to why the revocation should not occur.

II. If the person refuses or is otherwise unavailable for the review under paragraph I, the administrator or other representative of the area agency may sign a complaint for delivery of the person for the review. The complaint and the written notice required by paragraph I shall be provided to a law enforcement officer who shall take custody of the person and immediately deliver such person to the place specified in the complaint.

III. If the administrator or designee, following the review finds that either the person has violated a condition of the discharge or a condition or behavior exists as a result of which the person may pose a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, he or she may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the administrator or designee shall inform the person affected verbally and in writing, giving the reasons for the revocation and shall identify the receiving facility to which the person is to be delivered.

IV. A law enforcement officer shall take custody of the person whose conditional discharge was temporarily revoked under paragraph II and deliver the person, together with a copy of the notice and the reasons for the temporary revocation, to the receiving facility identified by the administrator or designee where the reasons for temporary revocation of the discharge shall be reviewed. Following such review, if the administrator of the receiving facility or designee finds that either the person conditionally discharged has violated a condition of the discharge or a condition or behavior exists as a result of which the person may pose a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, the administrator or designee may revoke absolutely the conditional discharge and shall provide to the person written and verbal notice of the reasons for the absolute revocation. Following such revocation the person shall be subject to the terms and conditions of the order of involuntary admission from which conditional discharge was granted as if the conditional discharge had not been granted.

V. If the administrator or designee performing a review under paragraph III or paragraph IV finds no basis for temporary or absolute revocation of the discharge, the person shall be returned by the program or facility which has custody of the person to the location where the person was initially taken into custody or to another location agreed to by the person.

171-A:24 Review by Director; Appeal; Rules. A person whose conditional discharge is revoked pursuant to RSA 171-A:23 may appeal the decision to the director. The person shall be entitled to a hearing on the appeal, before the director or designee, within 5 days, excluding weekends and holidays, of the receipt of request for the hearing in accordance with rules adopted by the director pursuant to RSA 541-A. Such rules shall include provision for legal counsel and for waiver of the hearing.

171-A:25 Action for Discharge. Any person subject to an order for involuntarily admission pursuant to RSA 171-B:12 may file in probate court a petition setting forth such person's name, the underlying circumstances and date of the prior order of the court ordering such person's involuntary admission, a request for discharge from involuntary admission, and the reasons for such request. The petition shall be accompanied by the certificate of a physician, psychiatrist or psychologist with experience and training in mental retardation stating that the person is no longer in need of involuntary admission and setting forth the facts upon which such opinion is based. Upon receipt of the petition and the certificate, the court shall conduct a hearing pursuant to RSA 171-B.

171-A:26 Habeas Corpus. RSA 171-A:25 shall not be construed to deprive any person of the benefits of the writ of habeas corpus. If the court issuing the writ of habeas corpus grants relief, the court shall enter an order discharging the person and shall transmit a certified copy of it to the probate court entering the original order of involuntary admission. Upon receipt of the certified copy, the probate court shall enter an order finding that such person has been discharged by order of the court.

171-A:27 Custody and Transportation.

I. Any law enforcement officer shall take custody of persons who are subject to proceedings for involuntary admission under the following circumstances:

(a) Upon issuance by an administrator or designee of a complaint for delivery for review pursuant to RSA 171-A:23, II;

(b) Upon a determination to revoke a conditional discharge temporarily pursuant to RSA 171-A:23, III; or

(c) As necessary to ensure the presence of the person at hearings or examinations conducted under RSA 171-A or 171-B, to effect a transfer between receiving facilities, or to carry out any other lawful order of a court.

II. A law enforcement officer shall also transport any person taken into custody to the appropriate receiving facility, court, place of examination, or other location.

171-A:28 Duty to Transport. Upon request, the office of the sheriff of the county in which any person is located who is to be taken into custody in accordance with RSA 171-A:27 shall take such person into custody and transport that person to the appropriate destination.

171-A:29 Rights Guaranteed. All rights guaranteed by RSA 171-A to persons with developmental disabilities shall be retained by persons involuntarily admitted under RSA 171-B except where safety or security mandates restriction of such rights. Any restriction of rights under this section may be appealed to the director pursuant to rules adopted by the director under RSA 171-A:3.

9 New Chapter; Involuntary Admission for Persons Found Not Competent to Stand Trial. Amend RSA by inserting after chapter 171-A the following new chapter.

CHAPTER 171-B

INVOLUNTARY ADMISSION FOR PERSONS FOUND NOT COMPETENT TO STAND TRIAL

171-B:1 Jurisdiction. For proceedings under this chapter, jurisdiction is vested in the probate court in the county where the person sought to be admitted resides or is detained. For a person who is subject to an order for involuntary admission under this chapter, jurisdiction for a hearing held pursuant to this chapter is vested in the probate court for the county wherein the person is receiving services or where the receiving facility that has custody of the person

is located, unless the court making the initial involuntary admission order has specifically retained jurisdiction over such person. The probate court judge who presides at hearings held pursuant to this chapter shall be reimbursed at the same per diem rate as court appointed referees in superior court pursuant to RSA 519:15.

171-B:2 Involuntary Admission Standard. The standard to be used by a court, physician, psychologist or psychiatrist in determining whether a person should be admitted on an involuntary basis shall be whether:

I. The person has been charged with a felony involving serious bodily injury or the use of a deadly weapon, or with aggravated felonious sexual assault (other than pursuant to RSA 632-A:2, I(h)) or felonious sexual assault, or with arson pursuant to RSA 634:1, II or III;

II. A district court, superior court, or grand jury has found that probable cause exists that the person committed a felony as set forth in paragraph I;

III. The person is determined to be not competent to stand trial;

IV. The person has mental retardation; and

V. The person has a condition or behavior as a result of which the person poses a potentially serious likelihood of danger to others or a potentially serious threat of engaging in acts which would constitute arson as evidenced by a specific act or actions which may include such act or actions giving rise to the felony charge according to RSA 171-B:2, I.

171-B:3 Petition of Responsible Person. Only the attorney general, or designee, or the director of mental health and developmental services, or designee, may bring a petition for a hearing under RSA 171-B:4.

171-B:4 Petition. The petition for admission on an involuntary basis shall include:

I. The name of the person sought to be admitted and such person's last known address.

II. The specific facts that the petitioner alleges satisfy RSA 171-B:2.

III. A certificate from a physician, psychiatrist, or psychologist who shall have experience and training in mental retardation, who has examined the person and reviewed the condition or behavior of the person sought to be admitted within 10 days of the date the petition is filed and who agrees that, based on this examination, such person satisfies RSA 171-B:2, IV and V.

IV. The names and addresses of witnesses who can testify to the specific acts, conditions, or behaviors of the person sought to be admitted which the petitioner alleges will satisfy the requirements of RSA 171-B:2.

171-B:5 Hearing Date. The probate court judge of original jurisdiction shall, upon receipt of the petition, set a hearing date. The hearing shall be held within 20 days, excluding Saturdays, Sundays, and legal holidays, from the date of receipt of the petition.

171-B:6 Register to Send Copies of Petition. Subsequent to receipt of the petition for involuntary admission, the register of probate shall, within 2 days of receipt of the petition, forward 2 copies to the person sought to be admitted.

171-B:7 Examination. Upon receipt of the petition, the court shall order a person sought to be admitted to submit to an examination by a physician, psychiatrist, or a psychologist, who shall have experience and training in mental retardation, who is designated by the court. The expert so designated shall file with the court at least 7 days prior to the day of the hearing, a written report. The report shall include the examiner's opinions as to the following:

I. Whether the person sought to be admitted meets the standard in RSA 171-B:2, IV and V;

II. Whether involuntary admission is necessary; and

III. If I and II are met, the facility or program which can best provide the degree of security, services and treatment needed for the person.

171-B:8 Recommendations; Copy to Person. No later than 5 days prior to the day of the hearing, a copy of the report prepared pursuant to RSA 171-B:7 shall be made available to the petitioner, the person sought to be admitted and to such person's attorney.

171-B:9 Continuance. Either party may apply to the court for continuance of the hearing on a petition for involuntary admission which the court may grant for good cause shown.

171-B:10 Conduct of Hearing. At the hearing, the person whose mental condition is the subject of the hearing shall have the right to legal counsel, to present evidence on such person's own behalf, and to cross-examine witnesses. Such person shall also have the right to summon as witnesses the expert who filed the report pursuant to RSA 171-B:7 and to cross-ex-

amine the expert. The hearing shall be a public hearing. A transcript, which may, at the court's discretion, consist only of an audio recording, shall be made of the entire proceedings.

171-B:11 Change of Venue. In hearings held under this chapter, upon the request of the person sought to be admitted, a change of venue or transfer may be granted at the court's discretion.

171-B:12 Order of Court. If, after the hearing, the court finds by clear and convincing evidence that the person meets the standard set forth in RSA 171-B:2, the court shall order the person to submit to:

I. Treatment and services in a receiving facility within the state developmental services delivery system;

II. Treatment and services within the state developmental services delivery system other than in-patient treatment; or

III. Treatment and services in the secure psychiatric unit if the court determines that the programs and placements enumerated in paragraph I or II do not provide sufficient security and protection to the public.

171-B:13 Duration of Order. An order made pursuant to RSA 171-B:12 may be valid for up to 5 years. For the order to be renewed, another hearing shall be held pursuant to this chapter.

171-B:14 Amended Orders. The court issuing an order for involuntary admission to the state developmental services system shall retain jurisdiction of the case for the duration of the order. At any time during the period of such order, the director of the division of mental health and developmental services or designee may petition the probate court having jurisdiction for a hearing on whether the order should be amended or the person should be involuntarily admitted to a receiving facility or the secure psychiatric unit.

171-B:15 Transfers.

I. A person admitted to any receiving facility pursuant to this section may at any time be transferred by the administrator of the receiving facility to the secure psychiatric unit upon a determination that the person would present a serious likelihood of danger to self or to others if retained in any receiving facility. Any such transfer shall be subject to the provisions of RSA 622:45. No person shall be retained in the secure psychiatric unit longer than the period of involuntary admission ordered by the court under this chapter.

II. A person admitted to any receiving facility pursuant to this chapter may be transferred at any time to another receiving facility designated for that purpose by the director of mental health and developmental services when such receiving facility can provide the degree of security, service, and treatment needed by the person in accordance with rules established under RSA 171-A:8-a.

171-B:16 Conditions of Conditional Discharge. No person who is admitted to a receiving facility or to the secure psychiatric unit pursuant to this chapter shall be discharged, either absolutely or conditionally, prior to the expiration of the order of commitment without prior approval of the director of mental health and developmental services when the person is committed to a receiving facility, or the commissioner of the department of corrections, when the person is committed to the secure psychiatric unit. No person who is transferred to the secure psychiatric unit pursuant to RSA 171-B:15 shall be discharged or transferred from the unit prior to the expiration of the order of commitment without prior approval of the commissioner of the department of corrections.

10 Commitment. Amend RSA 622:45, 1 to read as follows:

I. Any person subject to an involuntary admission to the state mental health service system pursuant to RSA [135-B] *135-C or any person subject to involuntary admission pursuant to RSA 171-B* may at any time be transferred to the unit upon a determination that the person would present a serious likelihood of danger to himself or to others if admitted to or retained in a receiving facility in the state mental health services system. The admission to the unit may be ordered by:

(a) A probate court pursuant to RSA [135-B:26-41] *135-C:34-54*; or

(b) An administrator of a designated receiving facility to which a person has been involuntarily admitted pursuant to an involuntary emergency [hospitalization] *admission* or an involuntary admission[.];

(c) *A probate court pursuant to RSA 171-B or an administrator of a receiving facility to which a person has been involuntarily admitted pursuant to RSA 171-B.*

11 Discharge. Amend RSA 622:48, I(b) to read as follows:

(b) The commissioner or [his] designee may transfer to the state mental health services system, *or to the state developmental services delivery system only if the person was admitted or transferred to the unit pursuant to RSA 171-B*, any person admitted or transferred to the unit, pursuant to RSA 622:45, I, upon a determination that the person no longer presents a serious likelihood of danger to [himself] *self* or others if *such person were to be* confined within a receiving facility in the state mental health services system *or the state developmental services delivery system*. If the director objects to a proposed transfer, the commissioner and the director may agree to have the disagreement resolved by a mutually acceptable third party, *or if none is acceptable, by the attorney general*.

12 Appropriations.

I. The sum of \$44,232 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of corrections for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Such funds as are required to comply with RSA 171-B:12, I and II are hereby appropriated, subject to the prior approval of the fiscal committee and the governor and council. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

13 Applicability. The provisions of this act shall apply to acts leading to a felony charge which occur on or after the effective date of this act.

14 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill establishes a procedure to be used for involuntary civil commitment for persons charged with serious felonies who have mental retardation and who are found to be not competent to stand trial.

Adopted.

Report adopted and referred to Appropriations.

SB 788-FN-LOCAL, relative to alternative fuel motor vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Environment and Agriculture: SB 788, as amended, will allow New Hampshire to comply with two federal acts: The Clean Air Act and the Energy Policy Act. Both federal acts have different goals and fashioning acceptable public policy has required the best efforts of the Governor's Energy Office, the Department of Environmental Services and a House/Senate Study Committee. The amendment does several things that will lessen the burden of compliance on municipal, private, utility and State fleets: postpone implementation by one year, allow use of reformulated gasoline for heavy duty vehicles instead of alternative fuels, and exempt fleets of 50 or fewer vehicles. The Clean Air Act required coverage of fleets of 10 or more vehicles, or a substitute program. SB 788 as proposed, is such an acceptable substitute program. This program will be less burdensome to both private and public fleets because fleets between 10 and 50 vehicles will not be covered. Vote 12-4.

Amendment (6001B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that New Hampshire:

I. Regularly violates restrictions on ground-level ozone.

II. Relies on imported oil for the majority of its gasoline.

III. Shall benefit from a unitary statutory program relative to alternative fuel motor vehicles which shall act as a substitute program for the clean fuel fleet requirements of the National Energy Policy Act of 1992 and the Clean Air Act, as amended.

IV. Desires to promote economic development.

V. Is required to comply with provisions of the National Energy Policy Act of 1992 and the Clean Air Act, as amended, relative to clean fuel fleets.

2 New Chapter; Alternative Fuel Motor Vehicles. Amend RSA by inserting after chapter 125-J the following new chapter.

CHAPTER 125-K ALTERNATIVE FUEL MOTOR VEHICLES

125-K:1 Definitions. In this chapter:

I. "Alternative fuel" means the following fuels if vehicles operated on such fuels meet ILEV standards or transitional ILEV standards until the year 2000: methanol, denatured ethanol, and other alcohols; mixtures containing 70 percent or more by volume of methanol, ethanol, or other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas (LPG or propane); hydrogen; coal-derived liquid fuels; fuels derived from biological materials; and electricity.

II. "Commissioner" means the commissioner of the department of environmental services.

III. "Conversion vehicle" means a vehicle originally designed and intended to operate on either gasoline or diesel fuel that has been converted to operate on an alternative fuel.

IV. "Covered fleet" means:

- (a) A municipal or private fleet of 50 or more vehicles;
- (b) The New Hampshire portion of all federal fleets;
- (c) The state fleet; or
- (d) A utility or fuel supplier fleet of 10 or more vehicles.

V. "Department" means the department of environmental services.

VI. "Emissions reduction credits" means "emissions reduction credits" as defined in RSA 125-J:1, VI.

VII. "Federal fleet" means light or heavy duty motor vehicles, located or operated within the state of New Hampshire that are centrally fueled or capable of being centrally fueled and are owned, operated, leased, or otherwise controlled by or assigned to any federal executive department, general services administration, government corporation, independent authority or executive agency, the United States Postal Service, the United States Congress, the courts of the United States, or the Executive Office of the President. Such term does not include:

- (a) Motor vehicles held for lease or rental to the general public.
- (b) Law enforcement vehicles.
- (c) Emergency motor vehicles.
- (d) Motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary of Energy must be exempt for national security reasons.
- (e) Non-road vehicles, including farm and construction vehicles.

VIII. "Fleet operator" means a person that owns, operates, leases, or otherwise controls a covered fleet.

IX. "Fuel supplier" means any person engaged in the importing, refining, or processing of crude oil to produce motor fuel, any person engaged in the importation, production, storage, transportation, distribution, or sale of alternative motor fuel, and any person engaged in generating, transmitting, importing, or selling electricity at wholesale or retail.

X. "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle or registered gross weight rating, whichever is greater.

XI. "Heavy duty vehicle" means a vehicle with a gross vehicle weight rating of at least 8,501 pounds and not more than 26,000 pounds.

XII. "Inherently low emission vehicle" or "ILEV" means a vehicle meeting the EPA standard specified in 40 CFR Part 88, or, until model year 2000, a transitional ILEV.

XIII. "Light duty vehicle" means a vehicle with a gross weight rating of 8,500 pounds or less.

XIV. "Municipal fleet vehicles" means the aggregate collection of light or heavy duty motor vehicles owned, operated, leased, or otherwise controlled by or assigned to any municipal department, agency, commission, government corporation, independent establishment or executive agency or the courts of the municipality, that are centrally fueled or capable of being centrally fueled. Such term does not include:

- (a) Motor vehicles held for lease or rental to the general public.
- (b) Law enforcement vehicles.

(c) Emergency motor vehicles.

(d) Non-road vehicles, including farm and construction vehicles.

XV. "Non-road equipment" means farm and construction vehicles, off-highway recreation vehicles as defined in RSA 215-A, motor boats, lawn and garden equipment, chain saws, and any other non-road equipment designated by the commissioner.

XVI. "Private fleet" means light or heavy duty motor vehicles owned, operated, leased, or otherwise controlled by or assigned to a company registered and located in the state of New Hampshire that are centrally fueled or capable of being centrally fueled. Such term does not include:

(a) Motor vehicles held for lease or rental to the general public.

(b) Motor vehicles held for sale by motor vehicle dealers, including demonstration motor vehicles.

XVII. "State fleet" means the aggregate collection of light or heavy duty motor vehicles owned, operated, leased, or otherwise controlled by or assigned to any state department, agency, commission, government corporation, independent authority or executive agency, or the university system of New Hampshire or the governor that are centrally fueled or capable of being centrally fueled. Such term does not include:

(a) Motor vehicles held for lease or rental to the general public.

(b) Law enforcement vehicles.

(c) Emergency motor vehicles.

(d) Motor vehicles acquired and used for military purposes that the adjutant general has certified to the governor and executive council must be exempt for national or state security reasons.

(e) Non-road vehicles, including farm and construction vehicles.

XVIII. "Transitional ILEV" means a bi-fuel, dual fuel, or flexible fuel vehicle, operated on alternative fuels at a percentage established by the commissioner, or a conversion vehicle operated on a dedicated alternative fuel.

XIX. "Utility fleet" means a fleet owned, operated, leased, or controlled by a company, the business of which is selling, distributing, or manufacturing an alternative fuel.

125-K:2 Fleet Operator Purchase of Inherently Low Emission Vehicles Required.

I. A fleet operator of a covered fleet shall, when purchasing vehicles, purchase ILEVs based upon the following percentages:

	Light Duty Vehicles (8,500 or less GVWR)	Heavy Duty Vehicles (8,501-26,000 GVWR)
(a) Utilities		
1997	30 percent	
1998	50	50 percent
1999	70	50
2000	90	50
thereafter	90	50
	Light Duty Vehicles (8,500 or less GVWR)	Heavy Duty Vehicles (8,501-26,000 GVWR)
(b) Federal		
1995	25 percent	25 percent
1996	50	50
1997	66	66
1998	75	75
1999	90	90
thereafter	90	90
(c) State		
1997	15 percent	0 percent
1998	30	50
1999	50	50
2000	75	50
thereafter	75	50

(d) Municipal and Private Fleets

1998	0 percent	50 percent
1999	30	50
2000	50	50
2001	70	50
thereafter	70	50

II. Excess and advance vehicle purchases may be banked for use against future purchase requirements.

III. Until model year 2000, heavy duty vehicles of municipal and private fleets may meet the requirements of RSA 125-K:2, I(d) with a certified vehicle and fuel combination that meets or exceeds the federal clean fuel fleet standards. These vehicles shall be eligible for vehicle purchase credits under paragraph II, but not emission reduction credits if they operate on any fuel containing more than 50 percent gasoline or diesel, and shall be considered transitional ILEV vehicles. Based on evaluation of state and federal requirements, and the state's need to comply with the Clean Air Act Amendments of 1990 and National Energy Policy Act, the clean fuel fleet advisory committee shall make recommendations to the commissioner regarding the following:

- (a) Whether to extend this provision for the model year 2000 or beyond;
- (b) Whether to apply fleet purchase requirements to a greater number of fleets;
- (c) Whether to adjust the program implementation, definitions, or purchase requirements to be consistent with New Hampshire's state implementation plan, air quality standards, and energy independence goals; and
- (d) Methods to improve the infrastructure for refueling vehicles which operate on alternative fuels.

125-K:3 Exemptions. Covered fleet operators shall be exempt from the requirements under RSA 125-K:2 for the purchase of the following vehicles:

- I. Emergency vehicles.
- II. Electric utility vehicles until model year 1998.
- III. Law enforcement vehicles.
- IV. Vehicles held on lease or rental to the general public.
- V. Vehicles incapable of central refueling.
- VI. Vehicles more than 26,000 GVWR.

125-K:4 Program Modification.

I. The commissioner, in consultation with the clean fuel fleet advisory committee, may modify the requirements of the state's clean fuel fleet program established by this chapter to achieve the emission reduction targets needed to comply with the Clean Air Act, as amended and the energy independence goals needed to comply with the National Energy Policy Act. This may include the extension or modification of transitional ILEV provisions.

II. The commissioner may, in consultation with the clean fuel fleet advisory committee, require that after December 31, 1999, covered fleets include fleets of less than 50 vehicles if necessary to comply with the Clean Air Act, as amended.

125-K:5 Emissions Reduction Credits. Emissions reductions generated by the purchase and use of ILEVs which exceed the requirements of this chapter shall be eligible for certification as emission reduction credits under RSA 125-J, or for use as vehicle purchase credits under RSA 125-K:2, II. Provided that fleet operators satisfy all of the requirements of this chapter and RSA 125-J and the rules adopted thereunder, the department shall certify emission reduction credits for the following:

- I. Purchasing ILEVs earlier than required.
- II. Purchasing excess ILEVs.
- III. Purchasing ILEVs by non-covered fleets.
- IV. Purchasing ILEVs for exempt vehicles.
- V. Converting non-road vehicles.
- VI. Converting in-use vehicles.
- VII. Purchasing vehicles exceeding the ILEV standards.
- VIII. Purchasing California certified low emission vehicles.

125-K:6 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Standards for ILEVs and transitional ILEVs consistent with state and federal requirements. Standards shall provide for bi-fuel, alternative fuel, and conversion vehicles until model year 2000.

II. Certification procedures for conversion vehicles beginning with model year 2000.

III. A system of reporting and monitoring fleets to include at a minimum individual fleet size, weight class of vehicles, location of fleet, new vehicle purchases, and fuel usage information.

IV. Procedures adequate to insure compliance, uniform enforcement, and effective implementation.

V. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter.

125-K:7 Penalty. Any person in violation of this chapter shall be guilty of a misdemeanor.

125-K:8 Clean Fuel Fleet Advisory Committee.

I. There is established a clean fuel fleet advisory committee. The members of the committee shall be as follows:

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house.
- (c) Two public members, appointed by the governor.
- (d) The chairperson of the public utilities commission, or designee.
- (e) The commissioner of the department of transportation, or designee.
- (f) The commissioner of the department of safety, or designee.
- (g) The commissioner of the department of environmental services, or designee.
- (h) The director of the governor's office of energy and community services, or designee.

II. Chairperson; Meetings; Quorum. The committee shall elect a chairperson from among its members at its first meeting. The first meeting shall be called by the senate members within 30 days after the effective date of this act. The public member shall have a 3 year term. Legislative members' terms shall be co-terminous with their 2-year legislative term.

III. The committee shall perform an ongoing evaluation of the effectiveness of the clean fuel fleet program and report its findings and recommendations to the commissioner, the governor and council, the speaker of the house, the senate president, the house environment and agriculture committee and the senate environment committee by October 1 of each year.

IV. The committee shall also review and make recommendations to the commissioner on any proposed rules to be adopted under RSA 125 K:6.

V. Mileage. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires certain utilities and federal, state, municipal and private entities to purchase a certain percentage of alternative fuel vehicles.

This bill authorizes the department of environmental services to establish an emissions reduction credit program by which certain persons may apply for, be credited with, hold and transfer emissions reduction credits for purchasing certain alternative fuel vehicles.

This bill also establishes a committee to evaluate the effectiveness of the clean fuel fleet program.

Adopted.

Report adopted and referred to Appropriations.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to

third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 21, 1994 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 598, extending lapse dates of certain appropriations in 1993, 359 (HB 25-A)

SB 517, making it a crime to obstruct the reporting of a crime or a bodily injury.

SB 535-FN, relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans and providing for indemnification of board members, officers, and employees of the higher education and health facilities authority.

SB 647, relative to compulsory attendance.

SB 690, establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees.

SB 565-FN, relative to state contracts.

SB 612, relative to the electricians' licensing board.

SB 664, relative to laid off state employees whose positions are federally funded.

SB 803, relative to land surveyor licensing examinations.

SB 510, eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops.

SB 576, relative to disease control.

SB 604-FN, relative to Medicaid look-back provisions for applicants for public or medical assistance.

SB 613, relative to administrative fines for violations of the emergency medical services laws.

SB 658, regulating the practice of dental hygiene, including the issuance of licenses and fees.

SB 589, relative to the powers of fiduciaries in environmental matters.

SB 637-FN, relative to a pilot program concerning the use of deicing alternatives and making an appropriation therefor.

SB 701-FN-A-L, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee.

SB 807-FN-L, allowing the establishment of the Capital Wellness Center, Inc.

SB 628-FN, relative to regulation of youth camps.

SB 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings.

SB 768-FN, relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways.

SB 652-FN-A, making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families.

SB 800-FN, relative to the child protection act.

SB 743-FN, relative to insurance coverage for children.

SB 747-FN, relative to lease-purchase agreements.

SB 597, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard.

SB 602-FN, relative to defaults on payments of motor vehicle fines or court appearances.

HB 1588-L, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum.

SB 508-L, enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities.

SB 801-A, increasing the department of transportation's authority to obtain certain bonds from 5-year bonds to 10-year bonds.

SB 730-FN, relative to funding for low income and financially disadvantaged utility assistance programs.

SB 516, making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case.

SB 673-FN, generally amending certain provisions relating to domestic violence.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 3:40 p.m.

RECESS

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Thursday, April 21, 1994

The House assembled at 1:30 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of creation Whose presence resonates through all the created worlds, be with us in the details of our lives; enable us to distinguish between the important and the essential so that our energies may be used wisely and generously for the formation of Your hopes. And inspire us to do ordinary tasks with extraordinary vigor for the sake of our work together and the benefit of the common good. Amen.

Rep. Avery led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Elizabeth Moore, Chester, Rice, Rose, Adams, Chabot, Rheault and Drabinowicz, the day, illness.

Reps. Messier, Lessard, Dowd, John White, Dana Kelley, Morello, Crum, Fenton, Hawkins, Drake, Peyron, Blake and Christie, the day, important business.

Rep. Russell, the day, death in the family.

Rep. Mayhew, the day, illness in the family.

INTRODUCTION OF GUESTS

Amber Parison, granddaughter of Rep. Loren Jean. Nina Bodatchenkova and Jean Lepkowski, guests of Rep. Champagne. Fourth-grade students from the Lafayette Regional School and their teacher, Tom Allen, guests of Rep. McIlwaine. David, Iris and Peter Amadon, guests of the Speaker. Will Brown and a delegation from the Heritage Heights Retirement Community, guests of Rep. Buessing.

GUESTS ON THE ROSTRUM

Lillian Burns, mother of Speaker Burns. James Amadon, 1994 YMCA Youth and Government Speaker of the House, guest of the House.

SPECIAL ORDER

SB 534, relative to condominium common assessments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew J. Newland for the Majority of Commerce, Small Business and Consumer Affairs: SB 534 provides local control to the condominium owners board of directors with the ability to suspend privileges/services provided by the condominium associations (i.e., unit owners). It also provides enabling legislation to allow the condominium unit owners to vote to collect up to six months common expense assessments. Vote 12-3.

Rep. Thea Braiterman for the Minority of Commerce, Small Business and Consumer Affairs: The language of this bill allows the board of directors of a condominium association to cut off "any and all services normally supplied by the association" to any condominium unit owner who becomes delinquent in paying his condominium assessment and fees, "notwithstanding any law ... to the contrary." This allows the condominium association to cut off water, heat, electricity and sewage facilities. The minority feels that the language of the bill needs to be amended so that the condominium association can penalize a delinquent assessment payer without jeopardizing the health and safety of that unit's residents.

The Committee offered a floor amendment.

Floor Amendment (6100B)

Amend RSA 356-B:46, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Notwithstanding any law, rule, or provision of the condominium declaration, bylaws, or rules to the contrary, the unit owners' association may authorize pursuant to RSA 356-B,

its board of directors to, after 30 days' prior written notice to the unit owner and unit owner's first mortgagee of nonpayment of common assessments, terminate the delinquent unit's common privileges and cease supplying a delinquent unit with any and all services normally supplied or paid for by the unit owners' association. Any terminated services and privileges shall be restored upon payment of all assessments.

AMENDED ANALYSIS

The bill gives the board of directors of a condominium unit owners' association the ability to suspend common privileges and certain services if unpaid assessments are outstanding.

The bill also allows such associations to collect an amount of up to 6 months' common expense assessments and apply such amount if a unit owner defaults on the unit's assessments. Reps. Newland and Braiterman spoke in favor.

Adopted.

Report adopted and ordered to third reading.

COMMITTEE REPORTS

REGULAR CALENDAR

SB 599-FN, establishing a board of ophthalmic dispensing, and relative to the board's fees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John J. Sytek for the Majority of Executive Departments and Administration: In the beginning, opticians escaped the gaze of state regulation. Previous legislatures have considered bills like this one to license opticians. While these attempts were rejected as being too restrictive, a compromise measure to provide registration became law in 1990. This mechanism has worked successfully. The committee did not hear any testimony that there existed or was developing a pattern of complaints or abuse. Nor was the majority of the committee persuaded that there was any prospective harm likely if this bill did not pass. Our shared, everyday experience is steady testimony that the people we know do not complain about their opticians - unlike other professionals with whom they deal. The committee also heard testimony that no state has adopted licensing in the past 13 years (21 states presently license opticians). After a four-year successful track record, the committee did not feel that further state regulation of opticianry was warranted at this time. Vote 9-7.

Rep. Robert P. Asselin for the Minority of Executive Departments and Administration: It is the opinion of the minority that licensure of ophthalmic dispensers (opticians) is appropriate, and needed, at this time. Testimony for licensure is supported by independent N.H. opticians, and by the N.H. Medical Society to insure the consumer that adequate qualifications of education and experience are required of these professional practitioners. The only opposition to licensure was presented by the so-called "chain stores".

Rep. Asselin moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Reps. John Sytek and Groves spoke against and yielded to questions.

Rep. Dunn spoke in favor.

Rep. Bonnie Packard spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 90 - NAYS 262

YEAS 90

BELKNAP

Smith, Linda

CARROLL

Bradley, Jeb

CHESHIRE

Burnham, Daniel
Kingsbury, H. Thayer
Pratt, Irene

Champagne, Richard
Lynch, Margaret
Richardson, Barbara

DePecol, Benjamin
Manning, Joseph
Riley, William

Foster, Katherine
McGuirk, Paul
Royce, H. Charles

COOS

Bradley, Paula	Hawkinson, Marie	Mears, Edgar
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GRAFTON

Brown, Alson	Copenhaver, Marion	Guest, Robert	McIlwaine, Deborah
Nordgren, Sharon			

HILLSBOROUGH

Ahern, Richard	Asselin, Robert	Bergeron, Lucien	Bergeron, Normand
Buckley, Raymond	Clemons, Jane	Cote, David	Dwyér, Patricia
Foster, Linda	Gage, Ruth	Haettenschwiller, Alphonse	Jean, Claudette
Johnson, Lionel	Kirby, Thomas	Laughlin, J. Francis	Leclerc, Charles
Lozeau, Donnalee	Nardi, Theodora	Plourde, Alphonse	Reidy, Frank
Sargent, Maxwell	Soucy, Donna	Soucy, Richard	Toomey, Kathryn
Turgeon, Roland			

MERRIMACK

Braiterman, Thea	Coughlin, Anne	Daneault, Gabriel	Dunn, Miriam
Fillion, Paul	French, Barbara	Johnson, Joyce May	Owen, Derek
Rogers, Katherine	Trombly, Rick	Wallner, Mary Jane	Ward, Jay
Yeaton, Charles			

ROCKINGHAM

Bell, Juanita	Case, Margaret	Caswell, Albert, Jr.	Clark, Martha
Kane, Cecelia	Katsakiores, Phyllis	Newman, Rick	O'Keefe, Patricia
Pantelakos, Laura	Ritzo, Eugene	Splaine, James	St. Martin, Tommy
Vaughn, Charles			

STRAFFORD

Brown, George	Brown, Julie	Chagnon, Ronald	Gilmore, Gary
Hemon, Roland	Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda
Pageotte, Donald	Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair
Sullivan, Henry	Vincent, Francis	Wheeler, Katherine	

SULLIVAN

Allison, David	Kane, Joan
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NAYS 262**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hauck, William	Holbrook, Robert	Johnson, Carl
Lafiam, Robert	Lawton, David	Rosen, Ralph	Salatiello, Thomas
Turner, Robert	Young, Niel	Ziegra, Alice	

CARROLL

Allard, Nanci	Beach, Mildred	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Mock, Henry
Philbrick, Donald	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Cole, Stacey	Delano, Robert
Hunt, John	McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude
Perry, David	Robertson, Timothy	Smith, Edwin	Young, David

COOS

Coulombe, Henry	Foss, Frederic	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton		

GRAFTON

Bean, Pamela	Brown, Channing	Brown, Patricia	Chase, Paul, Jr.
Crory, Elizabeth	Driscoll, William	Eaton, Stephanie	Gordon, Edward
Ham, Bonnie	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen
Ward, Kathleen			

HILLSBOROUGH

Ahlgren, Madelyn	Ahrens, Frederick	Allen, W. Gordon	Amidon, Eleanor
Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.	Bagley, Amy
Borsa, Andrew	Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Cowenhoven, Garret	Daigle, Robert	Daniels, Gary
Desrosiers, William	Dodge, Emma	Donovan, Francis	Drolet, Paul
Durham, Susan	Dyer, Merton	Dykstra, Leona	Emerton, Lawrence, Sr.
Ferguson, Charles	Fields, Dennis	Gagnon, Eugene	Gervais, Glen
Gosselin, Gerald	Greenberg, Gary	Hall, Betty	Hanselman, Gregory
Hart, Nick	Healy, Daniel	Holden, Carol	Holley, Sylvia
Holt, David	Holt, Mark	Hunter, Bruce	Jasper, Shawn
Jean, Loren	Kelley, Robert	Kurk, Neal	L'Heureux, Robert
Lachut, Ervin	Lefebvre, Roland	Lown, Elizabeth	Martin, Mary Ellen
McCarty, Winston	McRae, Karen	Mercer, Robert	Milligan, Robert
Mittelman, David	Moncrief, Keith	Morrisette, Roland	Murphy, Robert
O'Hearn, Jane	O'Rourke, Joanne	Packard, Bonnie	Paquette, Rodolphe
Pepino, Leo	Perkins, Paul	Peters, Stanley	Philbrook, Paula
Record, Alice	Riley, Frances	Rodgers, G. Philip	Rothhaus, Finlay
Sallada, Roland	Searles, Stanley, Sr.	Smith, Leonard	Sullens, Joan
Tate, Joan	Upton, Barbara	Vanderlosk, Stanley	Weergang, Alida
Wells, Peter, Sr.	Wheeler, Robert	Wright, George	

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Carter, Susan	Chandler, Earle
Chandler, John	Feuerstein, Martin	Gilbreth, Robert	Hager, Elizabeth
Hall, Douglas	Hess, David	Holmes, Mary	Houlahan, Thomas
Johnson, C. William	Kennedy, Richard	Kidder, William	Langer, Ray
Lockwood, Robert	Mitchell, Vernon	Moore, Carol	Newland, Matthew
Nichols, Avis	Pfaff, Terence	Regan, Maurice	Shaw, Randall
Stapleton, Henry	Teague, Bert	Weeks, John, Jr.	Whalley, Michael
Whittemore, James	Willis, Jack		

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Boucher, William	Bove, Martin	Campbell, Marilyn	Clark, Vivian
Coes, Betsy	Conroy, Janet	Cote, Charles	Cote, Patricia
Crossman, Harold, Jr.	DiPietro, Carmela	Dube, LeRoy	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Gargiulo, Louis	Gorman, Donald	Groves, Bonnie
Hurst, Sharleene	Johnson, Robert	Katsakiores, George	Klemarczyk, Thaddeus
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Lovejoy, Marian
MacDonald, Maurice	Malcolm, Kenneth	McGovern, Cynthia	McKinney, Betsy
Miller, Don	Moore, Benjamin	Noyes, Richard	Packard, Sherman
Pratt, Katharin	Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Rosencrantz, James	Rubin, George	Senter, Merilyn
Skinner, Patricia	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Sytek, Donna	Sytek, John	Warburton, Calvin
Welch, David	Weyler, Kenneth	Williamson, William	Woods, Deborah
Yennaco, Carol			

STRAFFORD

Callaghan, Frank
 Hashem, Elaine
 Knowles, William
 Merritt, Deborah
 Torr, Ann
 Wasson, Richard

Douglass, Clyde
 Hilliard, Dana
 Loder, Suzanne
 Musler, George
 Torr, Franklin

Dunlap, Patricia
 Keans, Sandra
 McGrath, J. Gregory
 Nehring, William
 Torr, Ralph

Hambrick, Patricia
 Kincaid, William
 McKinley, Robert
 Spear, Barbara
 Wall, Janet

SULLIVAN

Behrens, Thomas
 Flint, Gordon
 Rodeschin, Beverly

Burling, Peter
 Holl, Ann
 Schotanus, Merle

Coutler, John
 Lindblade, Eric

Domini, Irene
 Palmer, Lorraine

and the motion failed.

Report adopted.

Rep. Lozeau voted yea and intended to vote nay.

SB 668-FN-L, abolishing the New Hampshire retirement system special reserve account.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. William F. Kidder for the Majority of Executive Departments and Administration: The provisions of this bill were rejected last year by the whole house (SB 181) and also in a Committee of Conference (HB 200). While the committee is sympathetic to giving excess earning to retirees, the majority of the committee takes the position that the financial integrity of the overall retirement system is of paramount importance. Vote 8-5.

Rep. Cynthia A. McGovern for the Minority of Executive Departments and Administration: The special reserve account of the NH Retirement System is not necessary. The money in the reserve account belongs to the present and future retirees of the system. It is an account that currently is not used, and is in fact frozen and cannot be used because of the peculiar method under which it was established. By eliminating the special reserve account we free up the money for COLAs and other benefits for retirees.

Rep. McGovern moved that the words, Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Dyer, Langer and Kathleen Ward spoke against.

Rep. LaMott requested a quorum count. The Speaker declared a quorum present.

Reps. LaMott and Reidy spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 137 - NAYS 205**YEAS 137****BELKNAP**

Salatiello, Thomas

Smith, Linda

CARROLL

None

CHESHIRE

Bonneau, Sarah
 Foster, Katherine
 Pratt, Irene

Burnham, Daniel
 Kingsbury, H. Thayer
 Richardson, Barbara

Champagne, Richard
 Lynch, Margaret
 Robertson, Timothy

DePecol, Benjamin
 McGuirk, Paul
 Young, David

COOS

Bradley, Paula
 Merrill, Gerald

Coulombe, Henry

Hawkinson, Marie

Mears, Edgar

GRAFTON

Copenhaver, Marion
 McIlwaine, Deborah

Crory, Elizabeth
 Nordgren, Sharon

Guest, Robert

LaMott, Paul

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Cote, David
Fields, Dennis
Gosselin, Gerald
Jean, Claudette
Laughlin, J. Francis
Murphy, Robert
Pepino, Leo
Smith, Leonard
Turgeon, Roland

Ahlgren, Madelyn
Bergeron, Lucien
Daigle, Robert
Foster, Linda
Haettenschwiller, Alphonse
Johnson, Lionel
Leclerc, Charles
Nardi, Theodora
Philbrook, Paula
Soucy, Donna
Vanderlosk, Stanley

Allen, W. Gordon
Buckley, Raymond
Donovan, Francis
Gage, Ruth
Hall, Betty
Kirby, Thomas
Lefebvre, Roland
O'Rourke, Joanne
Plourde, Alphonse
Soucy, Richard

Asselin, Robert
Clemons, Jane
Dwyer, Patricia
Gervais, Glen
Healy, Daniel
L'Heureux, Robert
Morrisette, Roland
Paquette, Rodolphe
Reidy, Frank
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Feuerstein, Martin
Johnson, Joyce May
Pfaff, Terence
Wallner, Mary Jane

Coughlin, Anne
Fillion, Paul
Mitchell, Vernon
Regan, Maurice
Ward, Jay

Daneault, Gabriel
French, Barbara
Newland, Matthew
Rogers, Katherine
Yeaton, Charles

Dunn, Miriam
Gilbreth, Robert
Owen, Derek
Trombly, Rick

ROCKINGHAM

Battles, Marjorie
Clark, Martha
Groves, Bonnie
McGovern, Cynthia
Pullman, Robert
St. Martin, Tommy

Bell, Juanita
Coos, Betsy
Hurst, Sharleene
Newman, Rick
Raynowska, Bernard
Syracusa, Anthony

Case, Margaret
Crossman, Harold, Jr.
Kane, Cecelia
O'Keefe, Patricia
Rosencrantz, James

Caswell, Albert, Jr.
Gage, Beverly
Kruse, Fred
Pantelakos, Laura
Splaine, James

STRAFFORD

Brown, George
Hambrick, Patricia
Lundborn, Raymond
Musler, George
Snyder, Clair
Wheeler, Katherine

Callaghan, Frank
Hashem, Elaine
McCann, William, Jr.
Nehring, William
Sullivan, Henry

Chagnon, Ronald
Hemon, Roland
Merrill, Amanda
Pelletier, Arthur
Vincent, Francis

Gilmore, Gary
Loder, Suzanne
Merritt, Deborah
Rogers, Rose Marie
Wall, Janet

SULLIVAN

Allison, David
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon
Schotanus, Merle

NAYS 205**BELKNAP**

Bartlett, Gordon
Golden, Paul
Laffam, Robert
Young, Niel

Cain, Thomas
Hauck, William
Lawton, David
Ziegler, Alice

Campbell, Richard, Jr.
Holbrook, Robert
Rosen, Ralph

Dewhirst, Glenn
Johnson, Carl
Turner, Robert

CARROLL

Aliard, Nanci
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Gordon

Chandler, Gene
Lyman, L. Randy

Cogswell, Richard
Philbrick, Donald

CHESHIRE

Avery, Stephen
Manning, Joseph
Perry, David

Cole, Stacey
McNamara, Wanda
Royce, H. Charles

Delano, Robert
Metzger, Katherine
Smith, Edwin

Hunt, John
Pearson, Gertrude

COOS

Foss, Frederic

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

GRAFTON

Bean, Pamela

Chase, Paul, Jr.

Ham, Bonnie

Teschner, Douglass

Brown, Alson

Driscoll, William

Hill, Richard

Trelfa, Richard

Brown, Channing

Eaton, Stephanie

Larson, Nils, Jr.

Wadsworth, Karen

Brown, Patricia

Gordon, Edward

Scanlan, David

Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick

Arnold, Thomas, Jr.

Burke, M. Virginia

Daniels, Gary

Durham, Susan

Ferguson, Charles

Hart, Nick

Holt, Mark

Kelley, Robert

Lozeau, Donnalee

Mercer, Robert

O'Hearn, Jane

Riley, Frances

Searles, Stanley, Sr.

Weergang, Alida

Amidon, Eleanor

Bergeron, Normand

Calawa, Leon, Jr.

Desrosiers, William

Dyer, Merton

Gagnon, Eugene

Holden, Carol

Hunter, Bruce

Kurk, Neal

Martin, Mary Ellen

Milligan, Robert

Packard, Bonnie

Rodgers, G. Philip

Sullens, Joan

Wheeler, Robert

Andrews, Frederick

Borsa, Andrew

Cepaitis, Elizabeth

Dodge, Emma

Dykstra, Leona

Greenberg, Gary

Holley, Sylvia

Jasper, Shawn

Lachut, Ervin

McCarty, Winston

Mittelman, David

Peters, Stanley

Sallada, Roland

Tate, Joan

Wright, George

Arnold, Barbara

Bowers, Dorothy

Cowenhoven, Garret

Drolet, Paul

Emerton, Lawrence, Sr.

Hanselman, Gregory

Holt, David

Jean, Loren

Lown, Elizabeth

McRae, Karen

Moncrief, Keith

Record, Alice

Sargent, Maxwell

Upton, Barbara

MERRIMACK

Barberia, Richard

Chandler, John

Houlahan, Thomas

Langer, Ray

Stapleton, Henry

Willis, Jack

Buessing, Marjorie

Hall, Douglas

Johnson, C. William

Lockwood, Robert

Teague, Bert

Carter, Susan

Hess, David

Kennedy, Richard

Nichols, Avis

Whalley, Michael

Chandler, Earle

Holmes, Mary

Kidder, William

Shaw, Randall

Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn

Bove, Martin

Cote, Charles

Felch, Charles, Sr.

Flanders, John, Sr.

Katsakiores, Phyllis

Lovejoy, Marian

Miller, Don

Pratt, Katharin

Rubin, George

Stone, Joseph

Vaughn, Charles

Williamson, William

Arndt, Janet

Campbell, Marilyn

Cote, Patricia

Fesh, Robert

Gargiulo, Louis

Klemarczyk, Thaddeus

MacDonald, Maurice

Moore, Benjamin

Putnam, Ed, II

Senter, Merilyn

Stitch, C. Donald

Warburton, Calvin

Woods, Deborah

Beaulieu, Jon

Clark, Vivian

DiPietro, Carmela

Flanagan, Natalie

Gorman, Donald

Klemm, Arthur, Jr.

Malcolm, Kenneth

Noyes, Richard

Richards, David

Skinner, Patricia

Sylek, Donna

Welch, David

Yennaco, Carol

Boucher, William

Conroy, Janet

Dube, LeRoy

Flanders, David

Katsakiores, George

Lee, Rebecca

McKinney, Betsy

Packard, Sherman

Ritzo, Eugene

Smith, Arthur

Sytek, John

Weyler, Kenneth

STRAFFORD

Brown, Julie

Keans, Sandra

McKinley, Robert

Torr, Franklin

Douglass, Clyde

Kincaid, William

Pelletier, Marsha

Torr, Ralph

Dunlap, Patricia

Knowles, William

Spear, Barbara

Wasson, Richard

Hilliard, Dana

McGrath, J. Gregory

Torr, Ann

SULLIVAN

Behrens, Thomas

Domini, Irene

Lindblade, Eric

Rodeschin, Beverly

and the motion failed.

Report adopted.

Reps. Robert Johnson, Mock and Perkins declared a conflict of interest and did not participate.

SB 733, requiring certification of athletic trainers, including fees for certification. **WITHOUT RECOMMENDATION**

Rep. Kathleen Ward moved to Recommit to Committee and spoke in favor.

Adopted.

SB 593-FN, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor. **OUGHT TO PASS**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill adds advanced registered nurse practitioners to the list of physicians, dentists and veterinarians who are allowed to possess, compound, prescribe, administer or dispense controlled and noncontrolled drugs to patients. The bill also makes an appropriation to the board of nurses registration for transfer to the pharmacy commission. Vote 15-0.

Adopted and referred to Executive Departments and Administration.

SB 709-FN, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan. **OUGHT TO PASS**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: As OBRA (Omnibus Budget Reconciliation Act of 1993) mandates, so must the State of New Hampshire change: 1) a universal vaccine distribution program already in place in New Hampshire; 2) reducing to age 55 (from 65) when medical assistance furnished by the state will create a lien against the estate of the recipient or recipient's spouse. A third and important part of this bill repeals the 150 percent of poverty level for pregnant women and children, raised last year to 170 percent and would raise the level more to 185 percent when SB 774, part of HB 1050 health plan, is passed. Vote 15-0.

Adopted and referred to Appropriations.

SB 723-FN-L, expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katharin Pratt for Health, Human Services and Elderly Affairs: This bill, as amended, directs the director of human services to develop a proposal to expand the emergency assistance program under Title IV-A of the Social Security Act in such a way that 1) maximizes federal matching funds for services otherwise funded completely with local general assistance money; 2) is cost neutral to the state and 3) does not violate Part I, Article 28-a of the New Hampshire Constitution. This proposal must be submitted to the speaker and Senate president by October 1, 1994. Vote 17-0.

Amendment (5868B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the director of the division of human services to submit
a proposal for expanding the emergency assistance program
under Title IV-A of the Social Security Act to include
certain non-AFDC eligible households.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings, Purpose, and Intent.

I. The emergency assistance program under Title IV-A of the Social Security Act authorizes federal matching dollars for emergency assistance provided to needy families with children. A significant portion of the general assistance expenditures of New Hampshire's cities and towns under RSA 165 consists of emergency assistance, including aid with shelter, utilities, food and other basic needs, to needy families with children. Because these expenditures are of the nature of emergency assistance to households which include a needy child under the age of 21, and otherwise fall within the emergency assistance requirements of 45 C.F.R.

section 223.120, there is no reason not to seek to bring federal funds into the state to match these ongoing local expenditures. Until recently, New Hampshire's emergency assistance program, which is administered by the division of human services, was limited to AFDC-eligible families experiencing emergencies related to homelessness or unsafe or unhealthy living conditions. Effective July 1, 1993, the emergency assistance program was expanded to recognize emergencies of child abuse, neglect, or abandonment, or the imminent risk of a child's removal from the home. By this means, certain social services provided through the division for children and youth services should now qualify as emergency assistance under Title IV-A of the Social Security Act, thus enabling the state to get a 50 percent federal match for those services.

II. The purpose of this act is to develop a proposal for expanding eligibility for the emergency assistance program to include non-AFDC households with needy children that are poor and unable to support themselves as set out in RSA 165:1, 1, thereby allowing a federal match to be obtained for services that would otherwise be funded completely with local, general assistance dollars. Under this expanded program, the division would determine eligibility, certify that the applicant qualifies for emergency assistance, and draw down the federal match. The non-federal share of the emergency assistance provided would be the liability of the cities and towns. In this way, this act is intended to lay the groundwork for creating a program which is virtually revenue and cost neutral to the state, but which would reduce the costs to municipalities of providing general assistance to needy, non-AFDC eligible families with children by approximately 1/2. It is intended that the program would be implemented in such a way as to minimize the extent to which established procedures for administering general assistance must be altered and maximize the extent to which federal matching funds are obtained for services otherwise funded completely with local, general assistance dollars. It is also intended that the program would be implemented in such a way as to avoid creating significant additional administrative or other barriers to receiving assistance for low-income, needy families with children.

2 Proposal for Expanding Emergency Assistance. The director of the division of human services shall submit to the speaker of the house and the president of the senate, and shall make copies available to all interested persons, a proposal for expanding the emergency assistance program under Title IV-A of the Social Security Act to include non-AFDC eligible households with children that meet the general assistance standard set out in RSA 165:1, 1 of being poor and unable to support themselves. This proposal shall be developed in consultation with representatives from the New Hampshire Municipal Association, the New Hampshire Local Welfare Administrators Association, and New Hampshire Legal Assistance. The proposal shall outline a plan for expanding the emergency assistance program which, to the greatest extent possible, meets the following criteria:

- (a) Maximizes the extent to which federal matching funds are obtained for services otherwise funded completely with local, general assistance dollars;
- (b) Is cost neutral to the state;
- (c) Credits local, municipal payments to the state's share of Title IV-A funds;
- (d) Minimizes the extent to which established procedures for administering general assistance must be altered;
- (e) Avoids creating significant additional administrative or other barriers to receiving assistance for low-income, needy families with children; and
- (f) Does not violate Part I, Article 28-a of the New Hampshire Constitution.

3 Proposal; Timeframe. The proposal required by section 2 of this act shall be completed and submitted to the speaker of the house and the senate president by October 1, 1994.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the director of the division of human services to develop a proposal to expand the emergency assistance program under Title IV-A of the Social Security Act to allow a federal match to be obtained for assistance that is currently funded completely with local, general assistance dollars.

Adopted.

Report adopted and ordered to third reading.

SB 753-FN-A-L, relative to promoting economic self-sufficiency for families receiving AFDC. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia M. O'Keefe for Health, Human Services and Elderly Affairs: This bill allows the Division of Human Services to revise certain restrictions and penalties in AFDC policy that discourage AFDC recipients from becoming self-sufficient. Assisting families in the transitional stage from public aid to the work force is one of the first important steps in welfare reform in New Hampshire. This bill also provides for the simplification and streamlining of eligibility determination procedures to decrease administrative costs and error rates. Vote 18-0.

Amendment (5954B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Economic Self-Sufficiency for AFDC Recipients. Amend RSA 167 by inserting after section 68 the following new subdivision:

Economic Self-Sufficiency for AFDC Recipients

167:69 Findings and Purpose. The general court finds that elements of the New Hampshire program for Aid to Families with Dependent Children (AFDC) have caused members of families receiving AFDC who attempt to enter the workforce to face program penalties at a time when they should be receiving program support. Poor families can best be assisted in making a successful transition from public assistance to self-sufficiency when programs remove barriers and penalties for those who struggle for a better way of life for themselves and their children. Such persons should be provided financial and other self-development supports, including a range of educational and vocational training options needed to target well-paying employment opportunities. The following measures are intended to improve the rate at which low-income families are able to make the transition from public assistance to employment that produces a living wage. The following measures also simplify and streamline the AFDC eligibility determination process to decrease administrative costs and error rates and to allow greater agency focus on promoting long term self-sufficiency.

167:70 Rulemaking. The director of the division of human services shall adopt rules pursuant to RSA 541-A which:

I. Make available an additional year of child day care and transportation assistance for post-secondary education to JOBS program participants who have received the limit of support services under state policy as it existed in January 1, 1994, if job development and placement and job search activities are not sufficient to secure employment that produces a total household net income that meets the basic living needs of the household, and if it is determined that such additional assistance is consistent with the employability plan and would materially enhance the probability of securing adequate employment;

II. Provide additional work-related support services with JOBS funds to help families meet extra expenses that accrue when a member begins employment. Specifically, in addition to providing assistance with supplies, tools of the trade, and required uniforms or specialized clothing, assistance with one-time work-related expenses for auto repair or registration and other transportation costs shall also be provided;

III. Provide 90 days of case management and transitional support services when a family in the JOBS program exits AFDC due to earnings;

IV. Extend the special reimbursement rates for child care expenses paid to or on behalf of AFDC financial assistance recipients to households leaving AFDC due to increased earnings for a period of 12 months after leaving AFDC;

V. Extend AFDC-UP (Unemployed Parent) transitional assistance for a 6 month period after a principal wage earner begins working 100 hours or more a month if the family is still financially eligible for AFDC; and,

VI. Consolidate the shelter component and the maintenance component of the AFDC standard of need and payment standard, to simplify eligibility determination, reduce error rates, and to allow those who manage to save on their housing costs to realize a financial benefit from so doing.

VII. Provide non-mandatory support groups and mentoring assistance for persons participating in the JOBS program, newly employed AFDC recipients and persons whose AFDC has been terminated within the last 12 months due to earnings. The support groups and mentoring assistance shall provide assistance and support in such areas as benefits planning, parenting while working, budgeting, and negotiating conflicts at home and in the workplace.

VIII. To the extent that federal law permits, the director of the division of human services shall also adopt rules pursuant to RSA 541-A which implement, as a component of the JOBS program, or the successor to the JOBS program, an option that allows AFDC recipients to fulfill JOBS requirements and receive JOBS services by participating in a privately administered and state approved self-employment investment program that provides small business loans of up to \$5,000 to enable participants to start micro-businesses, including in-home businesses. Participants shall receive case management, self-employment training and technical assistance, and supportive services funded through the JOBS program. The division of human services shall allocate, on an annual basis, \$250,000 for the purpose of funding case management, self-employment training and technical assistance, supportive services, and loan administration services. These services may be provided on a contract basis by private, non-profit agencies with access to loan capital. The director is authorized to seek, apply for, and receive private grants or charitable contributions in support of this program. Included in such rules shall be measures to:

(a) Allow individuals to set up a separate business bank account that is excluded from countable resources.

(b) Exclude business assets in determining resources under the asset limit.

(c) Allow self-employed individuals to use the accrual method of accounting, so that money in a bank account can be carried over and excluded from countable income as long as it can be matched with legitimate payables or forthcoming expenses, or saved in an unencumbered cash reserve, to be used for future investment in the business.

(d) Modify the definitions of "capital assets" and "tools of the trade" to allow self-employed individuals the maximum flexibility in acquiring assets.

2 Appropriation. The sum of \$1,500,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill grants the director of the division of human services the authority to adopt rules to eliminate certain penalties, restrictions and complexities in AFDC policy which may impede the efforts of adult recipients of AFDC to qualify for and obtain employment that will produce a living wage. This bill provides for the simplification of AFDC eligibility determination procedures to decrease administrative costs and error rates.

This bill also requires that AFDC rules be amended to permit more AFDC recipients to participate in privately administered self-employment investment programs.

This bill makes an appropriation to the department of health and human services, division of human services, for the purposes of this act.

Adopted.

Report adopted and referred to Appropriations.

SB 779-FN, revising the composition of the health services planning and review board and requiring the development of a state health plan. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Maxwell D. Sargent for the Majority of Health, Human Services and Elderly Affairs: The majority of the committee felt that section I of this bill is addressed in other bills. The certificate of need section, with which the committee had general consensus, might also be addressed in another bill, which was sent to interim study. Therefore, it was agreed that this bill too should be studied. Vote 11-7.

Rep. Alphonse A. Haettenschwiler for the Minority of Health, Human Services and Elderly Affairs: The seven members of the committee who voted against interim study believe

that it is urgent to change the structure of the Health Services Planning and Review Board. Requiring the commissioner of Health and Human Services to develop a state health plan does not impose a new burden on the commissioner. The minority believes interim study does nothing but delay necessary action.

Rep. Haettenschwiler moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Refer for Interim Study, spoke in favor and yielded to questions.

Rep. Sargent spoke against.

On a division vote, 95 members having voted in the affirmative and 207 in the negative, the motion failed.

Report adopted.

SB 787-FN-A, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor. **OUGHT TO PASS**

Rep. Alson W. Brown for Health, Human Services and Elderly Affairs: The committee enthusiastically and unanimously passed this bill because its time has truly come. Adult dental care for many Medicaid recipients will allow the improvement in self image, general health, and positive economic and social conditions. The needy will be able to feel good about themselves and be welcomed into the work and social environments. Vote 19-0.

Rep. Gorman moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass, spoke in favor and yielded to questions.

Reps. Robert Foster and Katherine Wheeler yielded to questions.

Rep. David Young spoke in favor and yielded to questions.

Rep. Alson Brown spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 125 NAYS 217

YEAS 125

BELKNAP

Campbell, Richard, Jr.	Dewhirst, Glenn	Holbrook, Robert	Johnson, Carl
Laffam, Robert	Lawton, David	Rosen, Ralph	Young, Niel

CARROLL

Allard, Nanci	Beach, Mildred	Cogswell, Richard	Dickinson, Howard, Jr.
Lyman, L. Randy	Saunders, Howard		

CHESHIRE

Bonneau, Sarah	Delano, Robert	Hunt, John	McNamara, Wanda
Metzger, Katherine	Pearson, Gertrude	Young, David	

COOS

Foss, Frederic	Merrill, Gerald	Pratt, Leighton
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GRAFTON

Brown, Channing	Chase, Paul, Jr.	Eaton, Stephanie	Ham, Bonnie
Hill, Richard	Larson, Nils, Jr.	Trelfa, Richard	

HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas, Jr.	Bergeron, Lucien	Borsa, Andrew
Burke, M. Virginia	Cepaitis, Elizabeth	Daigle, Robert	Daniels, Gary
Desrosiers, William	Dodge, Emma	Dyer, Merton	Emerton, Lawrence, Sr.
Gervais, Glen	Holley, Sylvia	Holt, David	Holt, Mark
Hunter, Bruce	Jasper, Shawn	Jean, Loren	Kurk, Neal
Lachut, Ervin	Lefebvre, Roland	McRae, Karen	Mittelman, David
Moncrief, Keith	O'Hearn, Jane	Reidy, Frank	Riley, Frances
Rodgers, G. Philip	Sallada, Roland	Tate, Joan	Turgeon, Roland
Upton, Barbara	Weergang, Alida	Wells, Peter, Sr.	Wheeler, Robert
Wright, George			

MERRIMACK

Barberia, Richard
Hess, David
Nichols, Avis
Willis, Jack

Buessing, Marjorie
Kennedy, Richard
Stapleton, Henry

Chandler, Earle
Langer, Ray
Whalley, Michael

Gilbreth, Robert
Mitchell, Vernon
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
DiPietro, Carmela
Gorman, Donald
Lee, Rebecca
Noyes, Richard
Richards, David
Stritch, C. Donald
Williamson, William

Arndt, Janet
Bove, Martin
Dube, LeRoy
Katsakiores, Phyllis
Lovejoy, Marian
Packard, Sherman
Rubin, George
Sytek, John
Yennaco, Carol

Battles, Marjorie
Clark, Vivian
Fesh, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Pullman, Robert
Schanda, Joseph, Sr.
Warburton, Calvin

Beaulieu, Jon
Cote, Charles
Flanders, David
Kruise, Fred
McKinney, Betsy
Putnam, Ed, II
Smith, Arthur
Welch, David

STRAFFORD

Callaghan, Frank
McKinley, Robert
Vincent, Francis

Chagnon, Ronald
Musler, George

Douglass, Clyde
Spear, Barbara

Knowles, William
Torr, Ralph

SULLIVAN

Domini, Irene

NAYS 217**BELKNAP**

Bartlett, Gordon
Salatiello, Thomas

Cain, Thomas
Smith, Linda

Golden, Paul
Turner, Robert

Hauck, William
Ziegra, Alice

CARROLL

Bradley, Jeb
Wiggin, Gordon

Chandler, Gene

Foster, Robert

Philbrick, Donald

CESHIRE

Avery, Stephen
DePecol, Benjamin
Manning, Joseph
Richardson, Barbara

Burnham, Daniel
Foster, Katherine
McGuirk, Paul
Robertson, Timothy

Champagne, Richard
Kingsbury, H. Thayer
Perry, David
Royce, H. Charles

Cole, Stacey
Lynch, Margaret
Pratt, Irene
Smith, Edwin

COOS

Bradley, Paula
Horton, Lynn

Coulombe, Henry
Mears, Edgar

Guay, Lawrence

Hawkinson, Marie

GRAFTON

Bean, Pamela
Crory, Elizabeth
McIlwaine, Deborah
Wadsworth, Karen

Brown, Alson
Gordon, Edward
Nordgren, Sharon
Ward, Kathleen

Brown, Patricia
Guest, Robert
Scanlan, David

Copenhaver, Marion
LaMott, Paul
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Amidon, Eleanor
Bergeron, Normand
Clemons, Jane
Drolet, Paul
Ferguson, Charles

Ahlgren, Madelyn
Arnold, Barbara
Bowers, Dorothy
Cote, David
Durham, Susan
Fields, Dennis

Ahrens, Frederick
Asselin, Robert
Buckley, Raymond
Cowenhoven, Garret
Dwyer, Patricia
Foster, Linda

Allen, W. Gordon
Bagley, Amy
Calawa, Leon, Jr.
Donovan, Francis
Dykstra, Leona
Gage, Ruth

Gagnon, Eugene
Hanselman, Gregory
Jean, Claudette
L'Heureux, Robert
Lozeau, Donnalee
Milligan, Robert
Packard, Bonnie
Peters, Stanley
Sargent, Maxwell
Soucy, Richard

Gosselin, Gerald
Hart, Nick
Johnson, Lionel
Laughlin, J. Francis
Martin, Mary Ellen
Morrisette, Roland
Paquette, Rodolphe
Philbrook, Paula
Searles, Stanley, Sr.
Sullens, Joan

Haettenschwiller, Alphonse
Healy, Daniel
Kelley, Robert
Leclerc, Charles
McCarty, Winston
Nardi, Theodora
Pepino, Leo
Plourde, Alphonse
Smith, Leonard
Toomey, Kathryn

Hall, Betty
Holden, Carol
Kirby, Thomas
Lown, Elizabeth
Mercer, Robert
O'Rourke, Joanne
Perkins, Paul
Record, Alice
Soucy, Donna
Vanderlosk, Stanley

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Houlahan, Thomas
Lockwood, Robert
Regan, Maurice
Trombly, Rick

Carter, Susan
Dunn, Miriam
Hager, Elizabeth
Johnson, C. William
Newland, Matthew
Rogers, Katherine
Wallner, Mary Jane

Chandler, John
Feuerstein, Martin
Hall, Douglas
Johnson, Joyce May
Owen, Derek
Shaw, Randall
Ward, Jay

Coughlin, Anne
Fillion, Paul
Holmes, Mary
Kidder, William
Pfaff, Terence
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Clark, Martha
Crossman, Harold, Jr.
Gage, Beverly
Kane, Cecelia
McGovern, Cynthia
Pantelakos, Laura
Rosencrantz, James
St. Martin, Tommy
Vaughn, Charles

Campbell, Marilyn
Coes, Betsy
Felch, Charles, Sr.
Groves, Bonnie
Katsakiores, George
Miller, Don
Pratt, Katharin
Senter, Marilyn
Stone, Joseph
Woods, Deborah

Case, Margaret
Conroy, Janet
Flanagan, Natalie
Hurst, Sharleene
Klemarczyk, Thaddeus
Newman, Rick
Raynowska, Bernard
Skinner, Patricia
Syracusa, Anthony

Caswell, Albert, Jr.
Cote, Patricia
Flanders, John, Sr.
Johnson, Robert
MacDonald, Maurice
O'Keefe, Patricia
Ritzo, Eugene
Splaine, James
Sytek, Donna

STRAFFORD

Brown, George
Hambrick, Patricia
Keans, Sandra
McCann, William, Jr.
Nehring, William
Snyder, Clair
Wall, Janet

Brown, Julie
Hashem, Elaine
Kincaid, William
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry
Wasson, Richard

Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Pelletier, Marsha
Torr, Ann
Wheeler, Katherine

Gilmore, Gary
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose Marie
Torr, Franklin

SULLIVAN

Allison, David
Flint, Gordon
Palmer, Lorraine

Behrens, Thomas
Holl, Ann
Rodeschin, Beverly

Burling, Peter
Kane, Joan
Schotanus, Merle

Cloutier, John
Lindblade, Eric

and the motion failed.

Report adopted and referred to Appropriations.

SB 734, relative to fireworks. OUGHT TO PASS WITH AMENDMENT

Rep. David A. Welch for Public Protection and Veterans Affairs: The committee has now reached an agreement and on an 11-2 vote adopted the floor amendment I was going to propose to the body. That floor amendment was printed April 19 in House Record 50 on page 1636. That amendment is now designated as the Committee amendment and appears in today's Record.

Amendment (6026B)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Clarified. RSA 160-B:1, II and III are repealed and reenacted to read as follows:

II. "Class B special fireworks" means display fireworks as defined by United Nations designation 0335,1.3G and 49 CFR section 173.50 to 173.53.

III. "Class C common fireworks" means consumer fireworks as defined by United Nations designation 0336,1.4G and 49 CFR section 173.50 to 173.53.

2 Denials and Suspensions of Licenses. Amend RSA 160-B:6, III to read as follows:

III. The state license may be issued to an applicant who, at the time such license is issued, possesses a permit issued in accordance with title 18, United States Code, governing fireworks and a permit issued pursuant to RSA 160-B:6, I. No license shall be issued for the sale of fireworks unless the applicant establishes that it will locate its business in a permanent structure which meets all applicable fire safety codes, building codes, zoning codes, and the requirements of local ordinances. No license for the sale of fireworks shall be issued to *or held by* any person who has been convicted of a felony if the felony has not been annulled by a court of record [or to any person who has been convicted of any offense involving fireworks or explosives or who has been found to have violated any fireworks or explosives laws, rules, or regulations]. *If a person has been convicted of a violation or misdemeanor involving fireworks or explosives which has not been annulled by a court of record, or if a person has been determined at a hearing to have violated any fireworks or explosives laws, rules or regulations, the commissioner may deny or suspend a license for such period as the commissioner deems appropriate, but not to exceed the term of a license.* No license shall be issued to any person under 21 years of age.

3 Expansion of Definition of Fireworks. Amend RSA 160-B:8, III to read as follows:

III. Expanding the definition of fireworks to cover any other devices used for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation which are not covered by the federal regulations governing class B and class C fireworks but which are deemed by the commissioner, *with the concurrence of a majority of the permissible fireworks review committee established in RSA 160-B:23*, to constitute a threat to public safety.

4 New Paragraphs; Reinstatement of Repealed Paragraph; Rulemaking Added. Amend RSA 160-B:8 by inserting after paragraph V-a the following new paragraphs:

V-b. A list of all types or models of permissible fireworks which meet the requirements of RSA 160-B:1, V-b, if he deems it feasible and appropriate.

V-c. Further classifications of permissible fireworks pursuant to RSA 160-B:23.

5 New Subdivision; Permissible Fireworks Reinstatement; Permissible Fireworks Review Committee. Amend RSA 160-B by inserting after section 19 the following new subdivision:

Permissible Fireworks

160-B:20 Sales of Permissible Fireworks Allowed. Notwithstanding RSA 160-B:2, a person who is licensed pursuant to RSA 160-B:6 may sell permissible fireworks to a person 21 years of age or older. Any person who sells permissible fireworks shall not mix permissible fireworks with any other fireworks when displaying them for sale. Any person who sells permissible fireworks shall post in a conspicuous place on the sales premises a list, prepared by the commissioner, of all municipalities in the state where the display or possession of permissible fireworks is prohibited.

160-B:21 Possession and Display of Permissible Fireworks. Notwithstanding RSA 160-B:4, a person who is 21 years of age or older may possess permissible fireworks except in a municipality which has voted to prohibit possession pursuant to RSA 160-B:10. Notwithstanding RSA 160-B:3, a person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence or as authorized by RSA 160-B:7, except in a municipality which has voted to prohibit display pursuant to RSA 160-B:10.

160-B:22 Distribution of Pamphlet Required. Any person engaged in selling permissible fireworks shall provide to the purchaser a pamphlet, approved by the commissioner, detailing the appropriate and safe use of the permissible fireworks being sold.

160-B:23 Permissible Fireworks Review Committee.

I. There is hereby established a permissible fireworks review committee. The composition of this committee shall be as follows: one senator, appointed by the senate president; one representative, who shall be a member of the house public protection and veterans affairs

committee, appointed by the speaker; the director of the division of state police or designee; the director of fire service or designee; 2 members representing the fireworks industry, appointed by the governor; and one member representing the New Hampshire Association of Fire Chiefs, appointed by the governor. The term of office of each member appointed by the governor shall be 2 years and until a successor is appointed and qualified; provided that the first appointments of these 3 members shall be as follows: one for one year, one for 2 years and one for 3 years. The other members of the committee shall serve terms coterminous with their terms in office. Vacancies shall be filled in the same manner for unexpired terms. Members shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate.

II. The first meeting of the committee shall be called by the commissioner within 60 days of the effective date of this section. Thereafter, the committee shall meet at least once per calendar year, prior to October 1 of each year.

III. The committee shall consider whether items suggested by the fireworks industry shall be classified as permissible fireworks under this chapter. If the committee determines that an item should be so classified, the committee shall recommend that the commissioner undertake appropriate rulemaking under RSA 160-B:8, V-c. The committee may also recommend that any items so classified pursuant to RSA 160-B:8, V-c shall be removed from such classification.

6 New Paragraph; Reinstatement of Repealed Paragraph. Amend RSA 160-B:1 by inserting after paragraph V-a the following new paragraph:

V-b. "Permissible fireworks" means the fireworks listed below, provided they meet all applicable federal rules, regulations and standards:

(a) Cone fountain, meaning a cardboard or heavy paper cone which contains up to 50 grams of pyrotechnic composition, and which produces the same effect as a cylindrical fountain. Any fountain that is designed to be hand held shall not be considered permissible.

(b) Cylindrical fountain, meaning cylindrical tube not exceeding 3/4 inch in inside diameter and containing up to 75 grams of pyrotechnic composition, which produces a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain). Any fountain that is designed to be hand held shall not be considered permissible.

(c) Ground spinner, meaning a small spinning device containing up to 20 grams of pyrotechnic composition per driver with a maximum of 3 drivers, which is similar to wheels in design and effect when placed on the ground and ignited, and which produces a shower of sparks and color when spinning. Any ground spinner that is designed to lift off the ground or shoot upward shall not be considered permissible.

(d) Party popper, meaning a small plastic or paper item containing not more than 16 milligrams (0.25 grains) of chemical composition that is friction sensitive and that expels paper streamers, producing a small report, when a string or trigger is pulled.

(e) Snake/glowworm, meaning a pressed pellet of pyrotechnic composition that does not contain mercuric thiocyanate and that produces upon burning a large snake-like ash, that expands in length as the pellet burns.

(f) Snapper, meaning a small, paper-wrapped item containing a minute quantity of chemical composition coated on bits of sand. When dropped, the device produces a small report.

(g) Wheel, meaning a pyrotechnic device that:

(1) Is attached to a post or tree by means of a nail or string;

(2) Contains up to 6 driver units (tubes not exceeding 1/2 inch in inside diameter) containing up to 60 grams of composition per driver unit; and

(3) Revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies certain laws relative to fireworks and establishes a committee to review permissible fireworks.

The bill also reinstates the permissible fireworks laws which were repealed on April 1, 1994. Rep. Welch spoke in favor.

Adopted.

Report adopted and ordered to third reading.

MOTION TO LIMIT DEBATE

Rep. Dickinson moved that debate on **SB 745-FN**, relative to the maintenance of vegetation obstructing advertising devices, be limited to 30 minutes equally divided, not to include questions.

Adopted.

REGULAR CALENDAR (Cont'd.)

SB 745-FN, relative to the maintenance of vegetation obstructing advertising devices. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Edwin O. Smith for the Majority of the Public Works: If enacted, this bill would authorize cutting and trimming of trees and vegetation on public property in order to view billboards. Permits given by the Department of Transportation to place billboards do not include or indicate any right to trim brush or cut trees on public land. There is also a concern over the loss of Federal Highway funds which have been used to purchase the ownership of the highway corridors. The committee heard testimony for portions of four days on this bill and a subcommittee was established to work on this matter. After meeting several times there was still very strong feelings on both sides of the cutting issue. A vote for interim study failed in the subcommittee, and a subsequent vote of inexpedient to legislate prevailed by 4 to 3 vote. The majority of the Public Works Committee then voted in accordance with the subcommittee recommendation. Vote 9-5.

Reps. Sandra B. Keans and John B. Cloutier for the Minority of the Public Works: The minority strongly feels the committee has abdicated its legislative duty to solve a very real problem presented by the public. And, it's not the first time that this legislature has heard this issue. Let's face it — this issue will simply not go away. The minority believes a good compromise was presented to the committee which establishes a permitting process to allow vegetation maintenance to provide clear visibility of the original permitted view and establishes a study committee to review and make recommendations relative to advertising devices. The permitting process includes tremendous oversight by requiring the sign owner and a Department of Transportation representative to inspect the billboard, and its surrounding vegetation, to determine which action, if any, will be allowed. Most importantly, however, the minority believes the compromise fulfills our legislative responsibility to the public by setting up a study committee that will make recommendations for the 1995 session.

Rep. Keans moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, and spoke in favor.

Reps. Gene Chandler and Donna Sytek spoke against.

Reps. Mark Holt, Avery and Donna Soucy spoke in favor and yielded to questions.

Reps. Kathleen Rogers, Whalley and Jeb Bradley spoke against and yielded to questions.

Rep. Hilliard requested a Quorum count. The Speaker declared a quorum present.

Rep. Nehring spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 151 - NAYS 183

YEAS 151

BELKNAP

Bartlett, Gordon
Johnson, Carl
Smith, Linda

Cain, Thomas
Lawton, David
Turner, Robert

Golden, Paul
Rosen, Ralph
Young, Niel

Holbrook, Robert
Salatiello, Thomas

CARROLL

Allard, Nanci

Cogswell, Richard

CHESHIRE

Avery, Stephen
McGuirk, Paul

DePecol, Benjamin
Robertson, Timothy

Delano, Robert

Lynch, Margaret

COOS

Bradley, Paula
Hawkinson, Marie

Coulombe, Henry
Mears, Edgar

Foss, Frederic
Merrill, Gerald

Guay, Lawrence

GRAFTON

Brown, Alson
LaMott, Paul

Chase, Paul, Jr.
McIlwaine, Deborah

Guest, Robert
Trelfa, Richard

Hill, Richard

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Burke, M. Virginia
Desrosiers, William
Emerton, Lawrence, Sr.
Gervais, Glen
Healy, Daniel
Jean, Loren
Laughlin, J. Francis
Nardi, Theodora
Plourde, Alphonse
Sallada, Roland
Soucy, Richard
Turgeon, Roland

Ahlgren, Madelyn
Bergeron, Lucien
Clemons, Jane
Donovan, Francis
Ferguson, Charles
Gosselin, Gerald
Holt, David
Johnson, Lionel
Lefebvre, Roland
O'Rourke, Joanne
Reidy, Frank
Sargent, Maxwell
Sullens, Joan
Wells, Peter, Sr.

Andrews, Frederick
Bowers, Dorothy
Cote, David
Dyer, Merton
Foster, Linda
Haettenschwiller, Alphonse
Holt, Mark
Kirby, Thomas
McRae, Karen
Peters, Stanley
Riley, Frances
Searles, Stanley, Sr.
Tate, Joan
Wheeler, Robert

Asselin, Robert
Buckley, Raymond
Daniels, Gary
Dykstra, Leona
Gage, Ruth
Hart, Nick
Jean, Claudette
Lachut, Ervin
Morrisette, Roland
Philbrook, Paula
Rodgers, G. Philip
Soucy, Donna
Toomey, Kathryn

MERRIMACK

Barberia, Richard
Nichols, Avis

Daneault, Gabriel
Stapleton, Henry

Dunn, Miriam
Teague, Bert

Johnson, Joyce May
Trombly, Rick

ROCKINGHAM

Battles, Marjorie
Caswell, Albert, Jr.
Flanagan, Natalie
Johnson, Robert
Malcolm, Kenneth
Newman, Rick
Raynowska, Bernard
Stritch, C. Donald

Bell, Juanita
Clark, Vivian
Gage, Beverly
Kane, Cecelia
McGovern, Cynthia
O'Keefe, Patricia
Rosencrantz, James
Warburton, Calvin

Boucher, William
Crossman, Harold, Jr.
Gorman, Donald
Klemarczyk, Thaddeus
McKinney, Betsy
Pantelakos, Laura
Rubin, George
Welch, David

Bove, Martin
Dube, LeRoy
Hurst, Sharleene
MacDonald, Maurice
Miller, Don
Pullman, Robert
Splaine, James
Williamson, William

STRAFFORD

Brown, George
Douglass, Clyde
Keans, Sandra
McGrath, J. Gregory
Torr, Ralph

Brown, Julie
Dunlap, Patricia
Knowles, William
Nehring, William

Callaghan, Frank
Hashem, Elaine
Lundborn, Raymond
Snyder, Clair

Chagnon, Ronald
Hilliard, Dana
McCann, William, Jr.
Spear, Barbara

SULLIVAN

Behrens, Thomas
Flint, Gordon

Burling, Peter
Palmer, Lorraine

Cloutier, John

Domini, Irene

NAYS 183**BELKNAP**

Campbell, Richard, Jr.
Ziegra, Alice

Dewhirst, Glenn

Hauck, William

Laflam, Robert

CARROLL

Beach, Mildred
Foster, Robert
Wiggin, Gordon

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

CHESHIRE

Bonneau, Sarah
Hunt, John
Metzger, Katherine
Richardson, Barbara

Burnham, Daniel
Kingsbury, H. Thayer
Pearson, Gertrude
Royce, H. Charles

Cole, Stacey
Manning, Joseph
Perry, David
Smith, Edwin

Foster, Katherine
McNamara, Wanda
Pratt, Irene
Young, David

COOS

Horton, Lynn

Pratt, Leighton

GRAFTON

Bean, Pamela
Crory, Elizabeth
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Channing
Eaton, Stephanie
Nordgren, Sharon
Ward, Kathleen

Brown, Patricia
Gordon, Edward
Scanlan, David

Copenhaver, Marion
Ham, Bonnie
Teschner, Douglass

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Drolet, Paul
Greenberg, Gary
Holley, Sylvia
Kurk, Neal
Lozeau, Donnalee
Milligan, Robert
Packard, Bonnie
Smith, Leonard

Allen, W. Gordon
Bergeron, Normand
Cowenhoven, Garret
Durham, Susan
Hall, Betty
Hunter, Bruce
L'Heureux, Robert
Martin, Mary Ellen
Mittelman, David
Pepino, Leo
Upton, Barbara

Amidon, Eleanor
Borsa, Andrew
Daigle, Robert
Dwyer, Patricia
Hanselman, Gregory
Jasper, Shawn
Leclerc, Charles
McCarty, Winston
Moncrief, Keith
Perkins, Paul
Vanderlosk, Stanley

Arnold, Barbara
Calawa, Leon, Jr.
Dodge, Emma
Gagnon, Eugene
Holden, Carol
Kelley, Robert
Lown, Elizabeth
Mercer, Robert
O'Hearn, Jane
Record, Alice
Weergang, Alida

MERRIMACK

Braiterman, Thea
Chandler, John
French, Barbara
Hess, David
Kennedy, Richard
Mitchell, Vernon
Plaff, Terence
Wallner, Mary Jane
Yeaton, Charles

Buessing, Marjorie
Coughlin, Anne
Gilbreth, Robert
Holmes, Mary
Kidder, William
Moore, Carol
Regan, Maurice
Whalley, Michael

Carter, Susan
Feuerstein, Martin
Hager, Elizabeth
Houlahan, Thomas
Langer, Ray
Newland, Matthew
Rogers, Katherine
Whittemore, James

Chandler, Earle
Fillion, Paul
Hall, Douglas
Johnson, C. William
Lockwood, Robert
Owen, Derek
Shaw, Randall
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Case, Margaret
Cote, Charles
Fesh, Robert
Katsakiores, George
Lee, Rebecca
Pratt, Katharin
Schanda, Joseph, Sr.
St. Martin, Tommy
Vaughn, Charles

Arndt, Janet
Clark, Martha
Cote, Patricia
Flanders, David
Katsakiores, Phyllis
Lovejoy, Marian
Putnam, Ed, II
Senter, Merilyn
Syracusa, Anthony
Yennaco, Carol

Beaulieu, Jon
Coes, Betsy
DiPietro, Carmela
Flanders, John, Sr.
Klemm, Arthur, Jr.
Noyes, Richard
Richards, David
Skinner, Patricia
Sytek, Donna

Campbell, Marilyn
Conroy, Janet
Felch, Charles, Sr.
Groves, Bonnie
Kruse, Fred
Packard, Sherman
Ritzo, Eugene
Smith, Arthur
Sytek, John

STRAFFORD

Hambrick, Patricia
McKinley, Robert

Hemon, Roland
Merrill, Amanda

Kincaid, William
Merritt, Deborah

Loder, Suzanne
Musler, George

Pelletier, Arthur
Torr, Ann
Wasson, Richard

Pelletier, Marsha
Torr, Franklin
Wheeler, Katherine

Rogers, Rose Marie
Vincent, Francis

Sullivan, Henry
Wall, Janet

SULLIVAN

Kane, Joan
Schotanus, Merle

Lindblade, Eric

Rodeschin, Beverly

and the motion failed.

Report adopted.

Rep. Murphy did not vote and wished to be recorded in favor of the Minority report.

SB 594-FN, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas A. Behrens for Regulated Revenues: SB 594 addresses certain changes in the liquor laws, including: supplemental licenses, Sunday hours, sign letter sizes, and commission purchasing requirements. These corrections address the original concerns of the sponsor as well as those deficiencies brought forward to the committee. Vote 14-1.

Amendment (6015B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license; liquor hours of sale; purchases by the liquor commission; payments to on-sale or off-sale licensees by holders of beverage manufacturer, vender, or distributor licenses; and definitions for purposes of the liquor laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Billboard. Amend RSA 175:1, XI-a to read as follows:

XI-a. "Billboard" means a large, flat surface, panel, wall, or fence outside on which advertising is posted, written or carried, or specifically authorized signs where the lettering advertising beverages or liquor exceeds

[10] 15 inches in height and is visible to the general or non-paying public.

2 Definition; Vessel. Amend RSA 175:1, LXV to read as follows:

LXV. "Vessel" means a boat, ship or vessel approved by the U.S. Coast Guard or department of safety, *or the aircraft of a Federal Aviation Administration licensed air carrier*, whichever shall apply, for hire, operating out of any port of the state.

3 Purchases by Liquor Commission. Amend RSA 176:17 to read as follows:

176:17 Purchases by the Liquor Commission. The liquor commission shall purchase all liquor, wine, and beverages from primary sources. For the purposes of this title, primary source means the manufacturer or producer, whether or not it is within the state. If a primary source is not available, the commission [shall] *may, if it feels it is in the best interests of the state*, vote at its regular meeting to allow an exemption and shall explain why such exemption has been allowed.

4 Supplemental Liquor Licenses for Veterans' Clubs and Social Clubs. Amend RSA 178:27, I to read as follows:

1. On-sale licensees shall pay the following applicable fees annually:

	<i>Supplemental Only</i>	<i>Beverages and Wine</i>	<i>Beverages and Liquor</i>	<i>Cocktail Lounge</i>
Airport	\$1,200			
Alpine Slide	1,200			
Ballroom	\$ 45			1,200
Bed and Breakfast		\$480	\$840	
Bowling Facility				1,200
Catering (all)				1,200
Catering (off-site only)				840

Catering (on-site only)

18 events -	5
36 events -	5
52 events -	5

Club Military

100

Club Social

<i>9 events</i>	<i>250</i>
18 events -	450
36 events -	750
52 events -	1,200

1,200

Club Veterans

<i>9 events</i>	<i>250</i>
18 events -	450
36 events -	750
52 events -	1,200

840

College Club

1,200

Convention Center

2,400

Dining Car

480

840

Fairs

112

Golf Facility

1,200

Hotel

840

1,200

One Day License

100

Performing Arts

360

Racetrack/Motor Vehicle

1,800

Racetrack/Pari-Mutuel

3,000

Racquet Sports

1,200

Rail Cars

1,200

Restaurant

480

840

1,200

Ski Facility

1,200

Special License

25

Vessel

480

840

1,200

5 On-Sale and Off-Sale Licensees. Amend RSA 179:11, II to read as follows:

II. There shall be no restriction on the number of off-sale licenses held by any person. No holder of a beverage manufacturer license, wholesale distributor license, beverage vendor license, beverage vendor importer license or beverage representative license shall in any way contribute or pay any money or anything in lieu thereof to any on-sale or off-sale licensee, his agent, his employees, or to any group, association, or organization thereof, *including, but not limited to, payment for the placement, display or sale of any beverage*. Nothing in this section shall prohibit any licensee from being a member of a club holding a permit or license under this title, nor prohibit the sale or purchase, for resale, of merchandise or beverages for the conduct of the business of any on-sale or off-sale licensee.

6 Hours of Sale. Amend RSA 179:17, II to read as follows:

II. The following restrictions on hours of sale reflect the times during which a licensee may sell beverages or liquor, unless further extended by the commission:

(a) Off-sale licensees may sell from 6:00 a.m. to 11:45 p.m. [Monday-Saturday and 9:00 a.m. to 11:45 p.m. on Sunday], *7 days a week*.

(b) On-sale licensees may sell from 6:00 a.m. to 1:00 a.m. [Monday-Saturday and 9:00 a.m. to 1:00 a.m. on Sunday], *7 days a week*.

(c) Wine manufacturer licensees may sell from 6:00 a.m. to midnight [Monday-Saturday and 9:00 a.m. to 11:45 p.m. on Sunday], *7 days a week*.

(d) Wholesale distributor licensees may sell from 6:00 a.m. to midnight Monday-Saturday [and shall not sell on Sunday], *7 days a week*.

(e) Beverage manufacturer licensees may sell from 6:00 a.m. to midnight [Monday-Saturday and shall not sell on Sunday], *7 days a week*.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows a veterans' club or social club with a cocktail lounge license which will expire within 90 days to obtain a supplemental liquor license for 1/2 the minimum listed events and for 1/2 the usual cost.

This bill removes restrictions on hours of sale for liquor on Sundays. The bill changes the definition of "billboard" and "vessel" and limits payments by holders of beverage manufacturer, vendor or distributor licenses to on-sale or off-sale licensees. The bill also grants the liquor commission the discretion to allow an exemption from the requirement that the liquor commission purchase all liquor, wine and beverages from primary sources.

Adopted.

Rep. Behrens offered a floor amendment.

Amendment (6109B)

Amend RSA 179:11, II as inserted by section 5 of the bill by replacing it with the following:

II. There shall be no restriction on the number of off-sale licenses held by any person. No holder of a beverage manufacturer license, wholesale distributor license, beverage vendor license, beverage vendor importer license or beverage representative license shall in any way contribute or pay any money or anything in lieu thereof to any on-sale or off-sale licensee, his agent, his employees, or to any group, association, or organization thereof, *including, but not limited to, payment for the placement, display or sale of any beverage*. Nothing in this section shall prohibit any licensee from being a member of a club holding a permit or license under this title, nor prohibit the sale or purchase, for resale, of merchandise or beverages for the conduct of the business of any on-sale or off-sale licensee. Nothing in this section shall prohibit a holder of a beverage manufacturer license, wholesale distributor license, beverage vendor license, beverage vendor importer license or beverage representative license from bringing such holder's own product from the storeroom of an on-sale or off-sale licensee to a warm shelf, display, refrigerated retail space, or refrigerated storage. Nothing in this section shall prohibit the holder of a beverage manufacturers license, wholesale distributors license, beverage vendors license, beverage vendor importers license, or beverage representative license from rotating, reorganizing, cleaning and resetting such holder's own product once the product is on an on-sale or off-sale licensee's warm shelf, or in an on-sale or off-sale licensee's refrigerated retail space, or refrigerated storage.

Rep. Behrens spoke in favor.

Adopted.

Report adopted and referred to Ways and Means.

SB 600-FN-A, directing the liquor commission to license an agency liquor store in Center Harbor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas A. Behrens for Regulated Revenues: The committee, while not embracing privatization, feels that the Liquor Commission should utilize existing RSA's and license additional agency and seasonal agency locations to increase service to the, at times, geographically remote citizens and tourists. It was also felt that a report on agency store operations would be helpful in evaluating their progress. Vote 15-0.

Rep. Fesh moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke in favor.

Reps. Behrens and Salatiello spoke against.

The motion failed.

Amendment (5847B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the liquor commission to license agency liquor stores and special seasonal agency liquor stores and to submit reports on the effectiveness of such stores.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Agency Liquor Stores. Amend RSA 177:11 by inserting after paragraph V the following new paragraph:

VI.(a) The commission shall license a minimum of 3 agency liquor stores by December 31, 1994, including but not limited to any agency liquor store licensed prior to the effective date of this paragraph.

(b) The commission shall submit a report on or before September 30, 1996, to the speaker of the house, the senate president and the governor concerning the effectiveness of agency liquor stores.

2 New Paragraph; Special Seasonal Agency Liquor Stores. Amend RSA 177:14 by inserting after paragraph II the following new paragraph:

II-a. The commission shall license a minimum of 2 special seasonal agency stores by June 30, 1995, including but not limited to any special seasonal agency stores licensed prior to the effective date of this paragraph.

3 Report Required. Amend RSA 177:14, III to read as follows:

III. The commission shall submit a report on or before September 30, 1996, to the speaker of the house, the senate president and the governor concerning the effectiveness of [this section] *special seasonal agency stores*.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the liquor commission to license a certain number of agency liquor stores and special seasonal agency liquor stores. The bill also requires the commission to submit reports on the effectiveness of such stores to the legislature and the governor on or before September 30, 1996.

Adopted.

Report adopted and referred to Ways and Means.

COMMUNICATION

OPINION OF THE SUPREME COURT JUSTICES ON HB 1135

Request of the House of Representatives
No. 94-106

April 15, 1994

To the Honorable House of Representatives:

The undersigned justices of the supreme court now submit the following reply to your question of February 17, 1994. Following our receipt of your resolution, we invited interested parties to file memoranda with the court on or before March 18, 1994.

HB 1135 (the bill), as amended, proposes to amend RSA chapter 491 (1983) by inserting after section 23 a new section to read:

"491:23-a Marital Master; Enforcement of Orders.

I. Marital masters shall have the power to enforce orders and decrees in marital matters that have been approved by the superior court by adjudicating a person in civil contempt for:

- (a) Failure to appear in response to a notice or summons.
- (b) Failure to comply with court orders.
- (c) Refusal to answer questions or to produce evidence.

II. The marital master may order the person incarcerated for such contempt, pending review by a justice of the superior court, no later than 72 hours from the commencement of said incarceration."

Your question asks whether the amended bill would vest such power and authority in marital masters that they would be considered judicial officers in violation of the provisions of part II, article 46 of the New Hampshire Constitution. The constitution requires that "[a]ll judicial officers . . . be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the council agree thereto." N.H. CONST. pt. II, art. 46. We answer in the affirmative.

The power to punish for contempt of court is an inherent judicial power. See State v. Martina, 135 N.H. 111, 115, 600 A.2d 132, 135 (1991); State v. LaFrance, 124 N.H. 171, 179, 471 A.2d 340, 344 (1983); State v. Moquin, 105 N.H. 9, 11, 191 A.2d 541, 543 (1963); Opinion of the Justices, 86 N.H. 597, 601, 166 A. 640, 646 (1933). Such power "is not set forth in any New Hampshire statute," State v. LaFrance, 124 N.H. at 179, 471 A.2d at 344, but rather "is a necessary incident to the exercise of judicial power inherent in the functioning of the court system." Id.

In Opinion of the Justices, 128 N.H. 17, 509 A.2d 746 (1986), we concluded that presently sitting marital masters are not judicial officers within the meaning of part II, article 46 of the State Constitution because they have not been appointed by the Governor and Council and their decisions are not binding. Id. at 19-20, 509 A.2d at 747-48. The legislature had proposed an amendment to RSA chapter 491 which would have empowered marital magistrates to, among other things, make orders and impose penalties for the purpose of enforcing summonses of boards and officials which themselves lacked the power to punish for contempt. We held that such a provision "would purport to provide powers to marital magistrates beyond the traditional authority exercised by marital . . . masters," id. at 20, 509 A.2d at 748, and that therefore "[t]here is no question . . . that marital magistrates . . . would ostensibly be granted the authority of judicial officers, even though they would not be appointed or tenured as such" in violation of part II, article 46. Id. at 21, 509 A.2d at 748.

The same reasoning applies to the proposed bill before us. The bill, as amended, grants marital masters "the power to enforce orders and decrees . . . by adjudicating a person in civil contempt." In addition, the bill provides that "the marital master may order the person incarcerated for such contempt." The effect is to grant marital masters the authority of judicial officers. The legislature cannot permit such powers to be exercised in a constitutionally established court by other than constitutionally appointed judicial officers. Opinion of the Justices, 128 N.H. at 21, 509 A.2d at 748; cf. N.H. CONST. pt. I, art. 37.

DAVID A. BROCK, WILLIAM F. BATCHELDER, WILLIAM R. JOHNSON, W. STEPHEN THAYER, III, and SHERMAN D. HORTON, JR.

Jeffrey R. Howard, attorney general (Daniel J. Mullen, senior assistant attorney general, on the memorandum), filed a memorandum in support of an affirmative answer to the question presented.

Bruce Paul Witte, of Manchester, filed a memorandum in support of an affirmative answer to the question presented.

Tyler P. Harwell, of Berlin, filed a memorandum in support of an affirmative answer to the question presented.

REMOVED FROM THE TABLE

Rep. Gordon moved that **HB 1135**, granting marital masters limited powers to impose penalties for contempt, be removed from the table. (Pending question: adoption of the amended committee report)

Adopted.

MOTION

Rep. Lown moved that **HB 1135**, granting marital masters limited powers to impose penalties for contempt, be Recommitted to Committee.

Adopted.

VACATE

Rep. Kathleen Ward moved that the House vacate the reference of **SB 740-FN**, relative to employee leasing, to the Committee on Executive Departments and Administration.

Adopted and referred to Ways and Means.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 28, 1994 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 534, relative to condominium common assessments.

SB 723-FN-L, expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns.

SB 734, relative to fireworks.

RECONSIDERATION

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it adopted the Committee Report of Inexpedient to Legislate on **SB 745-FN**, relative to the maintenance of vegetation obstructing advertising devices.

Reconsideration lost.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:30 p.m.

RECESS

(Rep. David Cote in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 610, 1151, 1337, 1356, 1419, 1463 and 1477 and Senate Bills numbered 214, 544, 561, 569, 587, 686 and 727.

Rep. Dunn, Sen. Currier for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Thursday, April 28, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of new beginnings Whose creation flaunts Your passion for life, open our eyes to the wonder of Your truth in our midst. Make us vessels of Your creativity and may the labor of these representatives reflect the good news of Your coming justice. Amen.

Rep. Battles led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Bean, Laflam, Lovejoy, Clemons, Crum and Joan Kane, the day, illness.

Reps. Ahern, Hashem, Dewhirst, Dwyer, Joyce Johnson, Gorman, Sallada, Foss, Carter, Rubin, Mock, Coulombe, David Holt, David Flanders, Coes, Spear, Braiterman, Gordon, Golden, Yennaco, Ferguson,, Stone, Peyron, Allen, Blake, Ralph Torr, Gargiulo, Hutchinson, Hazelton and Julie Brown, the day, important business.

Reps. Mayhew and Holl, the day, illness in the family.

INTRODUCTION OF GUESTS

Peter, Esther and Hanna Estabrook, guests of the House. Meghan McManus and Jessica Bergeron, granddaughters of Rep. Lucien Bergeron. Katin Ann, Molly and Sara Lynn Daniels and Meagan Kimball, granddaughters and guests of Rep. Beverly Gage. Tina Cotton, Bill Leber and members of Boy Scout Troop 489 of Andover, NH, guests of Reps. Earle Chandler and John Chandler. Michael Battles, guest of Rep. Battles. Kate Brejwo, guest of Rep. Sullens. Beth Gatherim guest of Reps. McRae and Rodeschin. Melissa Blanchette, guest of Rep. Dyer. Kristin Lamont, guest of Rep. Katherine Wheeler. Roxanne and Davia Moore, guests of Rep. Welch. Students from the Barnard School of South Hampton, guests of Reps. Felch, O'Keefe and Benjamin Moore. Molly and Robert O'Keefe, guests of Rep. O'Keefe. Mapolo and Marric Buessing, son and daughter of Rep. Buessing. Cynthia Dokmo, Bill Belvin and Hal Melchar, guests of Rep. Lown. Serena Malony, Kelly Barstow, Leeglia Perry and Megan Kane, grandchildren and guests of Rep. Pantelakos. Debra Law, guest of Rep. Gagnon. Ginny Cowenhoven, daughter of Rep. Cowenhoven. Marianne Cain and Kara Cascio, daughter and guest of Rep. Cain. Abigail and Margaret Woods, daughters of Rep. Woods. Bonny Nutting, guest of Rep. Below. Shannon McCarty, granddaughter of Rep. McCarty. Jim Sullivan, guest of Rep. Lessard. Emily Walsh, guest of Rep. Linda Foster.

GUEST ON THE ROSTRUM

Thomas Estabrook, guest of the Speaker.

SENATE MESSAGES

CONCURRENCE

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments.

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

HB 686, relative to legislative review of proposed administrative rules.

HB 1110, relative to the license waiver period for speech and language pathologists, and repealing the sunset review of the administrative attachment of the board of marital mediators.

HB 1111, permitting one-day family fishing licenses upon payment of a certain fee.

HB 1113, relative to claims filed under RSA 541-B against both the state and an agent of the state.

HB 1115, relative to violations of RSA 205-A.

HB 1121, repealing the standardbred breeders and owners development agency.

HB 1143, increasing the penalties for illegal clamming.

HB 1177, establishing an advisory committee on child care.

HB 1208, creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters.

HB 1226, relative to filling vacancies on the county executive committee.

HB 1233, making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments and making a plan administrator liable for failing to meet certain employee notification requirements.

HB 1244, repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act and repealing certain provisions regarding witness testimony and admissibility of evidence.

HB 1256, allowing probate judges to accept other forms of securities in lieu of bonds from administrators of estates.

HB 1270-FN-L, establishing a committee to integrate any changes in the municipal budget act into the school district laws.

HB 1288, establishing a state advisory and oversight committee on the education of children with disabilities and in accordance with federal requirements.

HB 1313-FN, requiring the department of safety to issue an automotive recycling dealer with as many sets of number plates or as many as such person may require.

HB 1319-FN-A-L, requiring the state to fully fund the Augenblick formula by FY 1996.

HB 1339, relative to bank boards of directors or trustees.

HB 1377, requiring an optometrist or ophthalmologist to release prescriptions for replacement contact lenses, and setting certain fees for certain out-of-state business registration and renewal.

HB 1436, exempting vessels in the federal channel from reduced speed requirements.

HB 1439, establishing license and license fee requirements for the taking of sea urchins.

HB 1453, allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments.

HB 1466, including advanced registered nurse practitioners in insurance policies for certain conditions.

HB 1468, allowing builders to use native lumber when the lumber is certified or stamped by a New Hampshire wood processing mill.

HB 1476-L, relative to certain definitions under the environmental laws, municipal liability and the tax sale and lien process, and the liability of owners of hazardous waste facilities.

HB 1498-FN-L, relative to the type of voting machines which may be used in municipalities.

HB 1509, exempting persons participating in an American Water Ski Association event from the wearing of certain personal flotation devices.

HB 1573, relative to the confidentiality of proceedings for guardianship of a minor.

HB 1574, extending the reporting deadline for certain study committees.

HB 1585-FN, consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds.

HCR 30, urging the state board of education to encourage local school districts to foster curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect.

HJR 21, urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States.

CONCURRENCE WITH AMENDMENTS

SB 90, relative to child support enforcement and child support payments.

SB 527, relative to terms of legislative members of the state board of claims.

SB 534, relative to condominium common assessments.

SB 634, establishing a committee to study and promote the use of non-motorized transportation.

SB 647, relative to compulsory attendance.

SB 677-FN, relative to paternity.

SB 690, establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees.

NONCONCURRENCE

HB 239-L, granting municipalities an option for quarterly billing and collection of property taxes.

HB 1155, establishing a committee to study the economic feasibility of the sale of state signs, special state license plates, and other related state items.

HB 1397, relative to a limitation on telephone company release of telephone call records.

HB 1432, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation.

HB 1435, relative to the penalty for a second or subsequent offense for carrying a pistol or revolver without a license.

REFER FOR INTERIM STUDY

HB 1159, requiring manufactured housing park owners to compensate residents for relocation costs due to change in land use of the park.

HB 1400, relative to providing pain relieving medication to individuals who are terminally ill.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 210, limiting the use of highway recreational vehicles near occupied residences. (Amendment printed SJ 11, 4/14/94)

Rep. George Katsakiores moved that the House concur.

Adopted.

HB 280, relative to zoning requirements for family day care homes. (Amendment printed SJ 3, 2/3/94)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wadsworth, Rice, Cepaitis and St. Martin.

HB 599-FN-L, establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment. (Amendment printed SJ 12, 4/21/94)

Rep. Skinner moved that the House concur.

Adopted.

HB 635-FN, relative to social security cost-of-living increases to residents of residential care facilities and community residences and establishing a committee to study the rate structure of residences and establishing a committee to study the rate structure of residential care facilities. (Amendment printed SJ 12, 4/21/94)

Rep. Robert Foster moved that the House concur.

Adopted.

HB 1147-FN, relative to parental liability for support of dependent children on public assistance. (Amendment printed SJ 11, 4/14/94)

Rep. Holden moved that the House concur.

Adopted.

HB 1207-FN, relative to the administration of small estates. (Amendment printed SJ 11, 4/14/94)

Rep. Lown moved that the House concur.

Adopted.

HB 1216, allowing the exclusion of certain corporate officers and members of limited liability companies from workers' compensation coverage. (Amendment printed SJ 11, 4/14/94)

Rep. Hawkins moved that the House concur.

Adopted.

HB 1247, allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances.

Rep. Donna Sytek moved that the House concur.

Adopted.

HB 1272-FN, requiring the pari-mutuel commission to pay for certain laboratory urine tests. (Amendment printed SJ 11, 4/14/94)

Rep. Robert Kelley moved that the House concur.

Adopted.

HB 1455, making technical amendments to the business corporations laws and clarifying the limitation of liability of officers. (Amendment printed SJ 11, 4/14/94)

Rep. Lown moved that the House concur.

Adopted.

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee. (Amendment printed SJ 12, 4/21/94)

Rep. Horton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bean, Horton, Dykstra and McGovern.

HB 1581, establishing a committee to study the University of New Hampshire cooperative extension, and changing the name of the extension service to "University of New Hampshire cooperative extension." (Amendment printed SJ 12, 4/21/94)

Rep. Skinner moved that the House concur.

Adopted.

HJR 20, urging the Federal Highway Administration to include certain segments of U.S. Route 2 in the new "National Highway System." (Amendment printed SJ 12, 4/14/94)

Rep. Beverly Gage moved that the House concur.

Adopted.

ENROLLED BILLS AMENDMENTS

HB 267, correcting a reference in the stalking law.

Amendment (5823B)

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 Stalking; Reference Error Corrected. Amend the introductory paragraph of RSA 633:3-a, I(d)(5) to read as follows:

Adopted.

HB 1206, relative to the procedure to follow when an optional elected town office is discontinued.

Amendment (5841B)

Amend section 1 of the bill by replacing lines 2 and 3 with the following:

RSA 669 by inserting after section 17-a the following new section:

669:17-b Discontinuing Optional Elected Office. When a town votes to

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 106, 127, 410, 686, 1113, 1114, 1124, 1157, 1164, 1176, 1189, 1222, 1244, 1252, 1256, 1270, 1345, 1367, 1369, 1392, 1411, 1413, 1436, 1438, 1453, 1474, 1543, 1573, 1582, HJR 21 and 22 and Senate Bills numbered 511, 528, 535, 537, 559, 563, 565, 574, 578, 586, 602, 620, 630, 707, 801, 807 and SJR 1.

Rep. Dunn, Sen. Currier for the Committee

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 676, relative to equal employment opportunity in the workplace, was removed at the request of Rep. Trombly.

SB 714, relative to personal flotation devices, was removed at the request of Rep. Vivian Clark.

Consent Calendar adopted.

SB 543-FN-A-L, requiring that the department of revenue administration conduct an annual ratio study relative to real estate assessments and sales and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Appropriations: The majority of the committee felt that since this issue was dealt with in another bill there indeed is no need for this one. Vote 13-0.

SB 579-FN, relative to group II death benefits under the New Hampshire retirement system. OUGHT TO PASS

Rep. Theodora P. Nardi for Appropriations: This bill adds additional causes to the causes of death for which the surviving spouse of a group II retirement system member may receive accidental death benefits. Vote 13-0.

SB 705, providing that in domestic cases there shall be a presumption that it is in the best interest of a child to have regular, unsupervised visits with both parents. REFER FOR INTERIM STUDY

Rep. Elizabeth S. Hager for Children, Youth and Juvenile Justice: This bill is deceptively simple. The committee feels that because the bill adds another burden to an already overburdened marital system, it should be studied over the summer. The committee will ask for help from the committees that are already looking at the marital system. Vote 15-1.

SB 748-FN, creating interagency family assistance teams for at-risk youths. REFER FOR INTERIM STUDY

Rep. Deborah L. Woods for Children, Youth and Juvenile Justice: While the committee endorses the concept and recognizes the need for this legislation, time is needed to address the issue of funding. Quick fixes will not do this bill justice. The committee wants full attention given to this and this will take time. Vote 14-0.

SB 525, relative to medicare supplemental insurance. OUGHT TO PASS

Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs: This bill, requested by the Insurance Department, will bring the New Hampshire regulation of medical supplemental insurance into compliance with federal regulations. Vote 14-0.

SB 526, relative to risk retention groups not chartered in New Hampshire. OUGHT TO PASS

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill allows risk retention groups chartered outside of New Hampshire to qualify as a retention group in New Hampshire. Vote 15-0.

SB 532, relative to jewelers' liens. OUGHT TO PASS WITH AMENDMENT

Rep. Paul Drolet for Commerce, Small Business and Consumer Affairs: This bill clarifies the term "alter" for the purpose of jewelers' liens to include manufacturing another article from the item. The bill also allows the lienholder to sell such article at public sale after 90 days, provided that the lienholder gives a 30-day written notice by certified mail, return receipt requested, to the owner of the article before such sale, and the proceeds, after first paying the expense of the sale, shall be applied in payment of the debt. Vote 12-0.

Amendment (5975B)

Amend RSA 451:2 as inserted by section 2 of the bill by replacing it with the following: 451:2 Sale to Satisfy *Debt*. If such debt remains unpaid for [12 months] *90 days*, the lienholder may sell such article at [private or] public sale; *provided that the lienholder gives a 30-day written notice by certified mail, return receipt requested, to the owner of the article before such sale*, and the proceeds, after first paying the expense of sale, shall be applied in payment of the debt, the balance, if any, to be paid over to the county treasurer of the county where the sale is held, in trust for the debtor.

AMENDED ANALYSIS

This bill clarifies the term "alter" for the purpose of jewelers' liens to include manufacturing another article from the item. The bill also allows the lienholder to sell the article at public sale after 90 days if the debt remains unpaid. Current law specifies 12 months before the article can be sold.

SB 539, establishing a committee to study the issue of exclusivity contracts between health care insurers and health care providers. **OUGHT TO PASS**

Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs: This bill establishes a committee to study the issue of exclusivity of contracts between health care insurers and health care providers. The committee will report by November 1, 1994, on its findings and recommendations for legislation. Many complaints have been received from dissatisfied constituents attempting to access quality medical care and finding exclusive contracts and a screening process limiting, inefficient and costly. Vote 15-0.

SB 554, relative to insurance information and privacy protection. **INEXPEDIENT TO LEGISLATE**

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: The committee did not feel comfortable with the provisions of this bill. In the 14 years since this model bill was first introduced only 14 states have adopted it, and two (2) of these rewrote the model act. The New Hampshire Insurance Department requested we pass "as is" or not at all. Vote 12-0.

SB 555, relative to health insurance which covers family members and making technical corrections to the insurance laws. **OUGHT TO PASS**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill simply makes technical changes to the laws regarding health insurance, which covers family members and other insurance laws. Vote 12-0.

SB 564, relative to authentication of municipal and county bonds. **OUGHT TO PASS**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: No one appeared in opposition to this bill. It simplifies the procedure of authenticating municipal and county bonds. Vote 14-0.

SB 695, relative to the financial regulation of life and health insurers. **OUGHT TO PASS**

Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs: This highly technical bill submitted with the support of the Insurance Department is a NAIC model, which establishes a formula that allows the insurance commissioner to examine an insurer's financial position through an analysis of risk-based capital. It also prescribes certain reports which insurers must file each year. Vote 13-1.

SB 611, relative to the penalty for habitual offenders convicted of driving while intoxicated and home confinement. **INEXPEDIENT TO LEGISLATE**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill as introduced would have required that any period of home confinement authorized as part of a sentence under the habitual offender statute be served in addition to time spent at the state prison or house of correction. Since the purpose of home confinement is to be an alternative rather than an addition to a prison sentence, the committee could see no merit in this bill. Vote 11-0.

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: SB 523, as amended, deals with the sensitive subject of allowing a person faced with a decision regarding his/her health care to have access to the performance records of the health care provider a person may choose. This does not jeopardize in any way the procedures of the quality assurance committees of hospitals and other health care providers who deal with the results of health care thus improving the quality of health care delivery. Vote 15-0.

Amendment (6099B)

Amend paragraph 1 of section 1 of the bill by replacing it with the following:

I. There is established a committee to study the means and methods of improving opportunities for health care patients to obtain meaningful information regarding the skill and qualifications of their health care providers without jeopardizing the integrity and effectiveness of existing quality assurance processes in health care institutions and professional societies.

Amend subparagraph II(h) of section 1 of the bill by replacing it with the following:

(h) One public member, appointed by the governor.

Amend subparagraph II(k) of section 1 of the bill by replacing it with the following:

(k) A representative of the New Hampshire Association of Health Care Quality, appointed by such association.

(l) A representative of the New Hampshire Citizen Action, appointed by such organization.

SB 522-FN, requiring elected police officers to meet certain criminal history background requirements. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Welch for Public Protection and Veterans Affairs: This bill requires elected police officers to meet certain criminal history and background requirements before assuming police powers. Currently, rules by Police Standards and Training cover these requirements and further questioning of the bill's sponsor and Director Sweeney of Police Standards & Training revealed that it would not be necessary to pass legislation to accomplish this. Vote 11-0.

SB 562, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. **OUGHT TO PASS**

Rep. Gordon E. Wiggin for Public Protection and Veterans Affairs: This legislation extends the area of "self defense" to the proper purposes needed in order to make application for a license to carry a pistol or revolver and relative to the scope of such license. The House, at an earlier session, passed similar language in House Bill 1175 on February 3, 1994, Vote 283-66. Information from House Journal #17, Pages 513-516. Vote 11-0.

SB 606, authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies. **OUGHT TO PASS**

Rep. Gordon E. Wiggin for Public Protection and Veterans Affairs: This legislation authorizes the Police Standards and Training Council to assist law enforcement agencies in the preparation of written policies in a variety of areas upon request. There is no mandate here. Local enforcement agencies may take advantage of this service or not - depending on their local needs and decisions. Vote 11-0.

SB 128, relative to the recodification of the forestry laws. **OUGHT TO PASS WITH AMENDMENT**

Reps. Robert J. Laflam and H. Charles Royce for Resources, Recreation and Development: This bill as amended addresses the need for the recodification of the forestry laws. The ad hoc committee has a good start on this project already. The product of their efforts will be formalized in legislation in the 1995 session. Vote 14-0.

Amendment (5772B)

Amend the bill by replacing all after the enacting clause with the following:

I Forest Laws Recodified and Revised. The division of forests and lands, department of resources and economic development, shall work with any interested parties and the office of legislative services to submit to the president of the senate and the speaker of the house a report which shall:

I. Incorporate into a single title, where practicable, that part of existing law which relates to forestry.

II. Recommend the repeal of laws which are no longer pertinent and correct any inconsistencies which may exist in current law relative to forestry.

III. Identify areas where existing law should be revised or expanded to ensure the proper protection of the forest resource, and recommend legislation to accomplish the same.

2 Report. The division shall prepare its report in consultation with the senate environment committee, the house resources, recreation and development committee, and other interested

parties. The division shall submit the report, in the form of proposed legislation, to the president of the senate and the speaker of the house no later than November 1, 1994.

3 Effective Date. This act shall take effect upon its passage.

SB 653, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill, as amended, repeals two provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places which were rendered obsolete by reenactment in 1989' of RSA 81. This bill also establishes a committee to study the recommendations of the Northern Forest Lands Council. The amendment brought to the Resources, Recreation and Development Committee by the Senate is the same except for adding one more house member to the study committee. Vote 14-0.

Amendment (5778B)

Amend paragraphs II-IV as inserted by section 3 of the bill by replacing them with the following:

II. Three members of the house, one of whom shall be from Coos county, appointed by the speaker of the house.

III. Two individuals representing municipal interests, one of whom shall be from Coos county, appointed by the New Hampshire Municipal Association.

IV. Two New Hampshire members of the Northern Forest Lands Council, appointed by the council.

SB 736 FN-A, relative to the taxation of grantor trusts. **OUGHT TO PASS**

Rep. Barbara E. Arnold for Ways and Means: This bill would change only the business profits tax form which grantor trust would file and the interest and dividends tax form on which grantor trusts would report their income. There would be no impact on business profits tax revenue or interest and dividends tax revenue. Vote 13-0.

REGULAR CALENDAR

SB 792-A, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: This bill, as amended, provides the Pease Development Authority (PDA) additional bonding authority in the amount of \$50 million, with 50% of any loss guaranteed by the state. The amendment also gives the state treasurer authority to issue bonds not exceeding \$5 million for matching available federal grants. The PDA is also required to comply with the provisions of RSA 9 relative to the PDA biennial operating budget, and is prohibited from bonding operating expenses. Finally, the amendment increases the bonding authority of Skyhaven airport by \$80,000 to complete work on previously authorized hangar construction. Vote 18-2.

Amendment (6114B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the Pease development authority, authorizing new bonding authority for the Pease development authority, authorizing certain loans to be made to the authority for use in matching grants, relative to the budget of the Pease development authority, and increasing an appropriation for Skyhaven airport.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Comprehensive Development Strategy; Pease Matching Grants. Amend RSA 12-G by inserting after section 27-a the following new sections:

12-G:27-b Comprehensive Development Plan Required.

I. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air

Force Base prepared and submitted by the Pease development authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$50,000,000, plus interest. The comprehensive development plan may include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

II. Any state guarantee awarded under paragraph I of this section shall be used by the authority for the purpose of securing bank financing only as a guarantee of 50 percent of any loss which may be incurred by the bank, and the bank's lien shall take precedence over all other liens for such financing, except as otherwise provided by law.

12-G:27-c Pease Matching Grants. Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$5,000,000 to make a loan or loans to the authority to be used for the purposes of matching funds for Federal Aviation Administration grants, Economic Development Administration grants, and other available grants. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority.

2 Pease Subject to Budget Requirements. Amend the section heading and paragraph I of RSA 12-G:27-a to read as follows:

12-G:27-a [Annual] Operating Budget[; Bonding; Quarterly Reports].

1. The board shall [approve and submit an annual operating budget to the fiscal committee and the governor and council] *comply with the requirements of RSA 9, relative to budget and appropriations.*

3 Skyhaven; Appropriation Increased. Amend 1988, 152:1 as amended by 1992, 289:19 to read as follows:

152:1 Appropriation. There is hereby appropriated to the department of transportation the sum of [\$550,000] **\$630,000** for the purpose of designing and constructing additional hangar facilities at Skyhaven airport.

4 Skyhaven; Bonds. Amend 1988, 152:2 as amended by 1989, 367:25, 1992, 289:20 and 1993, 359:18 to read as follows:

152:2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$550,000] **\$630,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The bonds shall be 20-year bonds. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the Skyhaven hangar revenues, but the faith and credit of the state shall be pledged for the payment of the bonds.

5 Repeal. The following are repealed:

I. RSA 12-G:27, III, relative to the issuance of bonds by the state in lieu of the state guarantee for Pease development authority bonds.

II. RSA 12-G:27-a, II and III, relative to the Pease development authority budget, bonding and quarterly reports.

6 Effective Date.

I. Section 2 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes new bonding authority for the Pease development authority. However, if the bonding authority is used, it is subject to the approval of the fiscal committee of the general court.

The bill authorizes certain loans to be made to the authority to be used for matching federal grants.

The bill requires the authority to comply with the requirements of the state budget process under RSA 9.

The bill increases an appropriation to the department of transportation for Skyhaven airport.

Rep. Vaughn spoke against.

Rep. Channing Brown spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 793-A, relative to the Pease development authority and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Channing T. Brown for Appropriations: As amended this bill lends from general funds, \$2.3 million to the Pease Development Authority. The money, \$400,000 for fiscal '94 and \$1.9 million for fiscal '95, will make up the operating budget deficits at PDA. The bill also establishes a feasibility study committee to assess a theme park and casino complex at Pease International Tradeport and other sites in New Hampshire and appropriates \$50,000 for consultants to assist in the study. Vote 18-1.

Amendment (6113B)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing loans to be made to the Pease development authority and establishing a committee to study establishing an entertainment complex at Pease International Tradeport and at other possible sites and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 State Loan; Pease Development Authority. The state treasurer is authorized to and shall make loans not to exceed \$400,000 for the fiscal year ending June 30, 1994, and the sum of \$1,900,000 for the fiscal year ending June 30, 1995, to the Pease development authority for its operating budget, upon the approval of such operating budget by the governor and council, the board of directors of the Pease development authority, and the fiscal committee. Notwithstanding any other provision of law, the sums loaned to the Pease development authority shall be treated as an advance from the treasury and shall be repaid when funds become available to the authority. Each loan agreement shall be prepared for execution by the department of justice and shall be subject to approval by the governor and council.

2 Study Established. There is established a committee to study the feasibility of establishing an entertainment center, including a theme park, casino and hotel and convention center at Pease International Tradeport and at other possible sites in the state. The members of the committee shall be as follows:

I. Two members of the house of representatives, appointed by the speaker of the house within 5 days of the effective date of this section.

II. Two members of the senate, appointed by the president of the senate within 5 days of the effective date of this section.

III. The chairperson of the Pease development authority, or designee.

IV. The attorney general.

V. The commissioner of the department of safety.

VI. The commissioner of the department of resources and economic development.

3 Duties. The committee shall examine the feasibility of establishing an entertainment complex, including, but not limited to, a theme park, casino, and hotel and convention center at Pease International Tradeport and at other possible sites in the state in an effort to increase tourism and economic development. The committee shall, within the limits of the available appropriation, hire consultants and other personnel as it deems necessary to carry out the purpose of sections 2-3 of this act. Any contract, within the limits of the appropriation for the purposes of this act, entered into by the committee shall not need the approval of the governor and council.

4 Chair; Report. The first meeting of the committee shall be called by the first-named house member within 30 days of the effective date of this section. A chairperson shall be elected from the membership of the committee at the first meeting, and all subsequent meetings shall be called by the chairperson. The committee shall submit its recommendations to the governor, the speaker of the house of representatives, and the president of the senate no later than September 1, 1994.

5 Appropriation. There is hereby appropriated to the committee the sum of \$50,000 for the biennium ending June 30, 1995, for the purpose of hiring consultants and any other personnel to carry out the purposes of sections 2-3 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes loans to be made to the Pease development authority for its operating budget. The loan is to be repaid when money becomes available to the authority.

This bill also establishes a committee to study the feasibility of establishing an entertainment center, including but not limited to, a theme park, casino, and hotel and convention center at Pease International Tradeport and other sites in the state.

The bill makes an appropriation to the committee to allow it to hire consultants.

Adopted.

Report adopted and ordered to third reading.

SB 744-FN, establishing a committee to study providing health insurance to the dependents of retired state employees. **OUGHT TO PASS**

Rep. Kathleen W. Ward for Executive Departments and Administration: This bill establishes a committee from the Senate, House, Governor, SEA and the retirement system to study health insurance for dependents of retired state employees. Vote 11-2.

Adopted and referred to Appropriations.

SB 751-FN, deleting the restriction on the number of hours which part-time assistant attorneys general may work. **OUGHT TO PASS**

Rep. Kathleen W. Ward for Executive Departments and Administration: The Department of Justice has an hour restriction that part time assistant attorneys general may work. The committee found no other agency with this set number (29) of hours and, therefore, recommend the Legislature remove the section in current law to maintain consistency. Vote 11-2.

Adopted and ordered to third reading.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration beyond the deadline of **SB 791-FN-A**, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

SB 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael Morello for Health, Human Services and Elderly Affairs: SB 791-FN-A addresses the need now proposed in HB 1050, to examine and put in the proper form the process of developing a state health plan, developing policy options for the Department of Health

and Human Services and coordinating data. It also addresses the expenditures needed for the areas which HB 1050 indicated as the primary concerns of the health care reform proposal. Vote 17-1.

Amendment (6175B)

Amend the title of the bill by replacing it with the following:

AN ACT

making certain appropriations to the department
of health and human services.

Amend the bill by replacing all after the enacting clause with the following:

1 Health Care Transition Fund Allocation. The following sums are appropriated as indicated for the fiscal year ending June 30, 1995, and shall be charged against the health care transition fund, if established:

I. The sum of \$940,000 is appropriated to the office of the commissioner, department of health and human services for the purpose of establishing the office of health planning to develop under a process established by the legislature a state health plan, develop policy options for the department and its divisions, and to coordinate data collection functions of all agencies involved in health care reform activities.

II. The sum of \$1,000,000 is appropriated to the office of alcohol and drug abuse prevention for the following:

(a) To expand halfway houses and residential programs for adults, adolescents and women and children.

(b) To establish crisis intervention and social detoxification services in areas currently unserved.

(c) To support medical heroin detoxification and related residential services.

(d) To support comprehensive programs for persons with mental illnesses and substance abuse problems.

III. The sum of \$1,780,000 is appropriated to the division of public health services for the following purposes:

(a) To develop health clinics to provide primary preventive health services for low-income and underserved populations.

(b) To establish a statewide network of family support services of families of children with chronic illness.

(c) To recruit primary care physicians, nurse practitioners, and physician assistants, support them in serving rural areas and areas of high primary care needs, and establish linkages to facilitate academic training and consultations.

(d) To provide technical assistance to communities, health care agencies, and primary care providers developing comprehensive care services.

IV. The sum of \$1,850,000 is appropriated to the division of mental health and developmental services for the following purposes:

(a) To develop and maintain services to meet the mental health needs of children and families which shall include family-centered individual support services necessary to improve the mental health status of children who have or who are at risk of having serious emotional disorders.

(b) To prepare for and respond to state and federal health care reform initiatives including the design and development of information systems required for service planning, cost allocation, and monitoring services utilization.

(c) To prepare and submit for approval a waiver to federal Medicaid regulations under section 1115 of Title XIX of the Social Security Act for the development of a range of community-based services for adults and children with serious mental illnesses to include the integration of components of New Hampshire hospital with the community mental health system.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes appropriations from the health care transition fund, if established, to certain divisions within the department of health and human services. The moneys are to be used for health-related purposes.

Adopted.

Report adopted and referred to Appropriations.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration beyond the deadline of **HB 1587-L**, relative to the Littleton Water and Light Department.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1587-L, relative to the Littleton Water and Light Department. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: Although HB 1587-L purported to clarify various aspects pertaining to the Littleton Water and Light Department, the committee believes that further clarification regarding the delineation of authority and responsibility is necessary. In response to the committee's questioning, the Department of Revenue Administration indicated that the lines of budgetary authority and accountability remain unclear. Vote 15-0.

Adopted.

SB 750 FN, relative to the medical examiner and establishing a committee to study the office of the medical examiner. **OUGHT TO PASS**

Rep. Douglass P. Teschner for Ways and Means: After thorough discussion, including input from Dr. Roger Fossum, the Ways and Means Committee agreed with the bill as adopted by the policy committee. The medical examiner certificate fee for cremation has not changed since 1971, so this increase is reasonable. Vote 14-0.

Adopted and ordered to third reading.

SB 752 FN, relative to signage on highways and signage fees and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Ways and Means: The Ways and Means Committee amendment, developed with Department of Transportation input, eliminates the dedicated fund and adds language to ensure that the fees collected shall not exceed the cost of implementing the motorist highway sign program. Vote 13-0.

Amendment (5930B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to signage on highways and signage fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Signs on Limited Access Highways; Signs; Rulemaking Added; Authority to Impose Fees Added; Distance Established. RSA 230:49 is repealed and reenacted to read as follows:

230:49 Motorist Service Signing Program Established; Signs.

I. The location of fuel and other essential motorist services on connecting service roads within 3 miles of the intersection with the limited access highway, within 5 miles for a campground, or within 1 mile of the intersection in urban compact areas, may be indicated to users of the limited access facility by appropriate signs, the specifications of which shall be determined by the commissioner of transportation. The distance specified shall be measured by computing the travel length from the terminal of an exit ramp to the nearest point along the public highway where the nearest existing driveway entrance to the service is reached.

II. Signs permitted under paragraph I may be rented for a fee established by rules adopted by the commissioner of transportation pursuant to RSA 541-A. The amount of the fee charged to any participant shall be reasonable and equitable and not exceed a fair portion of the cost of implementing and maintaining the motorist service signing program. The sum of fees collected shall be sufficient to ensure the motorist service sign program is self supporting. The fees collected shall not be used to generate revenue beyond the reasonably related costs, less any federal funds or other revenue reasonably related thereto, of administering and maintaining the motorist service sign program.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner of transportation to adopt rules relative to a fee for informational signs on limited access highways.

This bill also limits the distance a business can be from the limited access highway and rent a sign on such highway.

Adopted.

Report adopted and ordered to third reading.

SB 676, relative to equal employment opportunity in the workplace. **INEXPEDIENT TO LEGISLATE**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: There is no way to prove or disprove that someone had actually been "considered" for employment and therefore this bill would have no effect in strengthening the present law. Vote 12-0.

Rep. Hawkins spoke in favor.

LAIID ON THE TABLE

Rep. Trombly moved that **SB 676**, relative to equal employment opportunity in the workplace be laid upon the table.

Adopted.

REGULAR CALENDAR (Cont'd.)

SB 714, relative to personal flotation devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gordon E. Bartlett for Transportation: This bill requires a personal flotation device to be worn at all times between certain dates when a person is aboard a certain type of boat. Vote 10-1.

Rep. Vivian Clark moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Rep. Kruse spoke against.

Reps. Syracuse, Klemarczyk, Cogswell and George Katsakiores spoke against and yielded to questions.

Rep. Felch spoke in favor and yielded to questions.

Roll call request not sufficiently seconded.

On a division vote, 222 members having voted in the affirmative and 107 in the negative, the motion was adopted.

The substituted Committee report was adopted.

RESOLUTION

Its introduction having been approved by the Rules Committee, Rep. Ann Torr and Trombly offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution numbered 32, shall be by this resolution read a first and second time by the therein listed title.

Rep. Ann Torr spoke in favor.

Adopted.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**First, second reading**

HCR 32, memorializing former President Richard M. Nixon. (Burns, Coos 5; Hough, Dist 5)

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration at the present time of **HCR 32**, memorializing former President Richard M. Nixon, without the proper printing, referral and notice.

Adopted by the necessary two-thirds.

HOUSE CONCURRENT RESOLUTION NO. 32

memorializing former President Richard M. Nixon.

Whereas, it is with great sadness that members of the New Hampshire general court have learned of the death of former President Richard M. Nixon; and

Whereas, Richard M. Nixon served as this nation's thirty-seventh Chief Executive from 1969-74; and

Whereas, Richard M. Nixon struggled during his term as president to bring to an end the United States of America's involvement in the Vietnam War; and

Whereas, Richard M. Nixon's skill as a world leader made possible diplomatic breakthroughs such as the re-establishment of contact with the Peoples' Republic of China and rapprochement with the Soviet Union which cleared the way for the ending of the Cold War nearly 20 years later; and

Whereas, Richard M. Nixon remained a valued advisor on foreign policy to his successors as President and to foreign leaders; and

Whereas, Richard M. Nixon spent much of his retirement writing insightful books on government and foreign policy; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring:

That the general court expresses its sincere regrets on the death of former President Richard M. Nixon and sends its condolences to his family;

That a suitable copy of this resolution be prepared for presentation to the Richard Nixon Library and Birthplace in Yorba Linda, California.

Unanimously adopted by a rising vote of silent prayer.

RECONSIDERATION

Having voted with the prevailing side, Rep. Hemon moved that the House reconsider its action whereby it passed **SB 548**, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants.

Rep. Hemon spoke in favor.

Reconsideration lost.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 5, 1994 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 579-FN, relative to group II death benefits under the New Hampshire retirement system.

SB 525, relative to medicare supplemental insurance.

SB 526, relative to risk retention groups not chartered in New Hampshire.

SB 532, relative to jewelers' liens.

SB 539, establishing a committee to study the issue of exclusivity contracts between health care insurers and health care providers.

SB 555, relative to health insurance which covers family members and making technical corrections to the insurance laws.

SB 564, relative to authentication of municipal and county bonds.

SB 695, relative to the financial regulation of life and health insurers.

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process.

SB 562, relative to self-defense as proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license.

SB 606, authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies.

SB 128, relative to the recodification of the forestry laws.

SB 653, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council.

SB 736-FN-A, relative to the taxation of grantor trusts.

SB 792-A, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport.

SB 793-A, relative to the Pease development authority and making an appropriation therefor.

SB 751-FN, deleting the restriction on the number of hours which part-time assistant attorneys general may work.

SB 750-FN, relative to the medical examiner and establishing a committee to study the office of the medical examiner.

SB 752-FN, relative to signage on highways and signage fees and continually appropriating a special fund.

HCR 32, memorializing former President Richard M. Nixon.

REMARKS

Rep. Channing Brown addressed the House regarding budget considerations and yielded to questions.

RECONSIDERATION

Having voted with the prevailing side, Rep. Avery moved that the House reconsider its action whereby it adopted the substituted Committee Report of Inexpedient to Legislate on **SB 714**, relative to personal flotation devices.

Reconsideration lost.

UNANIMOUS CONSENT

Rep. Searles addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 3:15 p.m.

RECESS

(Rep. Gilmore in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 134, 388, 1110, 1121, 1184, 1188, 1211, 1226, 1288, 1364, 1410, and 1498.

Rep. Dunn, Sen. Currier for the Committee

(Rep. Newman in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 267, 325, 370, 387, 411, 1154, 1206, 1455 and 1552 and Senate Bills numbered 526 and 647.

Rep. Dunn, Sen. Currier for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Thursday, May 5, 1994

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Lucille Richard, pastor of the Bethlehem and Whitefield United Methodist Churches.

God of all creation and of all peoples, who moves and works through us all, and is the one spirit in us all, we give You thanks for this new day and all that it will bring. We are very thankful that the long winter is coming to an end and we appreciate the beginning of this season with its warm sunshine, green grass and cool rains that leave Your footprints everywhere. We offer our thanksgiving for this time of Spring and its promise of refreshing renewal. Renew our hearts and our minds, O God; refresh us and guide us in our work this day; fill us with renewed vision and openness and lead us to faithfully fulfill the tasks we are called to do with a new and joyous spirit. We pray for all who are gathered here and ask Your blessings and presence with us in all that we do. We pray for this great State of New Hampshire and for its good people. May we continue to go forward in this new day. In Your name, we pray. Amen.

Rep. Metzger led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Lovejoy, Joan Kane, Groves, MacDonald, Flanagan, Charles Cote, Crum and Martin, the day, illness.

Reps. David Young, Marsha Pelletier, Hazelton, Coughlin, Sherman Packard, DiPietro, Richards, Perry, Guest, Guay, Bagley, Peyron, Musler, Gagnon, Weeks, Caswell and Philbrook, the day, important business.

Rep. David Cote, the day, death in the family.

Reps. Dowd and Mayhew, the day, illness in the family.

EMPLOYEES OF THE MONTH

Marge Colburn and Dani Lyford were named employees of the month. Both women are members of the Sergeant-at-Arms staff.

Marge was a State Representative from New Boston from 1965 to 1967 and from 1971 to 1973. She has worked as an administrative assistant during sessions since 1975.

Dani has worked at the Sergeant-at-Arms office since 1981 as a page, sound system operator and copy machine operator. She became a full-time assistant to the Sergeant-at-Arms in 1985 and has been a per-diem employee since 1990.

We thank both of these fine employees. Their efforts make the work of the House possible. We appreciate their work.

INTRODUCTION OF GUESTS

Sarah Peabody, guest of Rep. Fuller Clark. The 4th grade students from the Westmoreland Elementary School and their teacher, Mrs. Murray, guests of Reps. Bonneau, Kingsbury and David Young. Keith Bossug, guest of Rep. Malcolm. Mary Ann Foster, wife of Rep. Robert Foster. Dawn Ashbacher, Millay Stevens, Dorothy Murray, Hannah Kerman and Chris Haynes, guests of Rep. Richardson. The 4th grade students from the Deerfield Community School and their teachers, Karen Leavitt and Sherry Nelson, guests of Rep. Stone.

GUESTS ON THE ROSTRUM

Smokey Bear and John Sargent, Director of N.H. Forests and Lands, guests of the House.

SENATE MESSAGES

CONCURRENCE

HB 660-FN, relative to drug forfeiture.

HB 1050-FN, establishing the health care transition fund, making certain appropriations, and clarifying the procedure relative to the uncompensated care administration funds.

HB 1104, making a person who knowingly causes the death of a judicial officer guilty of capital murder.

HB 1105, limiting the suspension of sentences.

HB 1109, relative to dual enrollment.

HB 1116, relative to the release of health care data.

HB 1134, increasing the penalty for criminal threatening and reckless conduct with a deadly weapon.

HB 1165-L, repealing requirements for a census of disabled students, and providing for additional special education reimbursement for certain pupils.

HB 1173, prohibiting a right turn on red when a walk signal is on.

HB 1225, relative to access to medical care.

HB 1236, prohibiting the use of aerosol self-defense spray weapons against a law enforcement officer or in the course of committing a crime.

HB 1242, establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire.

HB 1248, requiring disclosure that a buyer's premium will be charged at certain auctions in New Hampshire.

HB 1254, relative to the performance of uncompensated public service by persons convicted of crimes.

HB 1266-FN, requiring certain property seized by the department of fish and game to be returned if the owner reimburses the department for expenses and pays the required fine.

HB 1284, increasing the restitution amount for illegally taking or possessing certain game.

HB 1318, relative to reporting requirements for elected officials.

HB 1325-FN, requiring the publication of an AIDS/HIV handbook.

HB 1349, relative to representation of business organizations in small claims court.

HB 1383-L, relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction.

HB 1416, relative to liens on manufactured housing.

HB 1502-FN, removing certain reporting requirements for persons who wish to sell venison.

HB 1519, limiting any pecuniary benefit received by directors and officers of charitable trusts.

HB 1545, relative to disclosure regarding contests and gift giveaways.

HCR 22, urging Congress to limit campaign spending and to keep unalterable records of its proceedings.

HCR 32, memorializing former President Richard M. Nixon.

CONCURRENCE WITH AMENDMENTS

SB 510, eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops.

SB 532, relative to jewelers' liens.

SB 576, relative to disease control.

SB 597, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard.

SB 598, extending lapse dates of certain appropriations in 1993, 349 (HB 1) and 1993, 359 (HB 25-A).

SB 604-FN, relative to the medicaid look-back provisions for applicants for public or medical assistance and authorizing the commissioner of the department of health and human services to adopt rules relative to the compensation of the members of the drug use review board.

SB 612, relative to the electricians' licensing board.

SB 613, relative to administrative fines for violations of the emergency medical services law.

SB 658, regulating the practice of dental hygiene, including the issuance of licenses and fees.

SB 673-FN, generally amending certain provisions relating to domestic violence.

SB 723-FN-L, requiring the director of the division of human services to submit a proposal for expanding the emergency assistance program under Title IV-A of the Social Security Act to include certain non-AFDC eligible households.

SB 730-FN, relative to funding for low income and financially disadvantaged utility assistance programs.

SB 734-FN, relative to fireworks.

SB 803, relative to land surveyor licensing examinations.

NONCONCURRENCE

HB 677, relative to the term of office for certain commissioners, deputy commissioners, and assistant commissioners of state departments.

HB 1161, relative to the authority of the state to regulate political advertising which is broadcast.

HB 1265, allowing city treasurers to invest money belonging to the city in certain investment instruments.

HB 1292, requiring certain disclosure during recruitment by multi-level or network marketing businesses.

HB 1341, requiring delivery of non-subscription publications to cease 14 days after written notification by the recipient.

HB 1365, clarifying legislative intent relative to municipal ordinances.

HB 1396, limiting the use of information compiled by consumer reporting agencies.

HB 1409, authorizing the public utilities commission to adopt rules relative to voluntary construction standards for compliance with increased energy efficiency standards.

HB 1483, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

HB 1532-FN-L, requiring the division of public health services to establish a needle exchange program and making an appropriation therefor.

HB 1559, relative to smoking in indoor public places.

REFERRED FOR INTERIM STUDY

HB 1370, allowing certain inclusions in a public utility's rate base.

HB 1448, requiring that certain documents and publications be included in the state depository law.

HB 1500, defining "out-of-state pharmacy" and requiring the registration of such pharmacies that sell to individuals within the state.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1106, making a person, who purposely engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault. (Amendment printed, SJ 14, 5/3/94)

Rep. Donna Sytek moved that the House concur.

Adopted.

HB 1107, making crack cocaine subject to greater penalties under the controlled drug act. (Amendment printed SJ 14, 5/3/94)

Rep. Donna Sytek moved that the House concur.

Adopted.

HB 1108, relative to the appointment of members to the northeast interstate dairy compact commission and relative to the certification of milk laboratories. (Amendment printed SJ 12, 4/21/94)

Rep. Jeb Bradley moved that the House concur.

Adopted.

HB 1119, authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus. (Amendment printed SJ 11, 4/14/94)

Rep. Gene Chandler moved that the House concur.

Adopted.

HB 1186, making a breach of confidentiality a violation of oath of office for town officers. (Amendment printed SJ 14, 5/3/94)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 1227, allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts and establishing priority rights as between such victim and indemnifying entity. (Amendment printed SJ 14, 5/3/94)

Rep. Donna Sytek moved that the House concur.
Adopted.

HB 1228, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record. (Amendment printed SJ 14, 5/3/94)

Rep. Wadsworth moved that the House concur.
Adopted.

HB 1232, prohibiting annulments for certain crimes. (Amendment printed SJ 14, 5/3/94)
Rep. Donna Sytek moved that the House Concur.
Adopted.

HB 1263-FN, authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority. (Amendment printed SJ 14, 5/3/94)

Rep. Rodeschin moved that the House concur.
Adopted.

HB 1321-FN, relative to liquor licenses for full service restaurants. (Amendment printed SJ 12, 4/21/94)

Rep. Robert Kelley moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Behrens, Avery, Dykstra, Pantelakos.

HB 1415-L, relative to approval of the goals and future conditions section of the master plan by the local legislative body. (Amendment printed SJ 12, 4/21/94)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Hess, Rice, Putnam and Linda Foster.

HB 1440-FN, permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund. (Amendment printed SJ 14, 5/3/94)

Rep. Drake moved that the House concur.
Adopted.

HB 1443-L, relative to town meetings and public hearings in large towns. (Amendment printed SJ 14, 5/3/94)

Rep. Wadsworth moved that the House concur.
Adopted.

HB 1447-FN, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs. (Amendment printed SJ 11, 4/14/94)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Dowd, Emerton, Dyer and Groves.

HB 1450-L, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills. (Amendment printed SJ 12, 4/21/94)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Wadsworth, Stone, Patricia Cote and Daneault.

HB 1493-FN-A, relative to tax refunds from the department of revenue administration. (Amendment printed SJ 12, 4/21/94)

Rep. Cowenhoven moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Cowenhoven, Arnold, Earle Chandler and Pageotte.

HB 1524-FN, relative to the executive reorganization of the department of education. (Amendment printed SJ 12, 4/21/94)

Rep. Kidder moved that the House concur.

Adopted.

HB 1525, relative to communications that constitute harassment. (Amendment printed SJ 14, 5/3/94)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Vivian Clark, Richard Campbell, Christie and Knowles.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping.

The President appointed Sens. Cohen, Lovejoy and Pignatelli.

Rep. Drake moved that the House accede.

Adopted.

The Speaker appointed Reps. Douglas, Lachut, McGuirk and Linda Ann Smith.

SB 688-L, relative to redemption of property subject to tax liens for the elderly and disabled.

The President appointed Sens. Currier, Bourque and John King.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Perry, Fesh, Noyes and Paula Bradley.

ENROLLED BILLS AMENDMENT

HB 1529-FN, relative to the apportionment, priority of and limitations on bridge betterment funds.

Amendment (5843B)

Amend section 2 of the bill by replacing line 15 with the following:

receive bridge aid. Costs of projects may include, but shall not be limited to,

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 377, 635, 1272, 1394 and 1585 and Senate Bills numbered 534 and 539.

Rep. Dunn for the Committee

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 650-FN-A, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the funds, was removed at the request of Rep. Franklin Torr.

SB 621-FN, relative to eligibility for unemployment benefits, was removed at the request of Rep. Hawkins.

Consent Calendar adopted.

SB 659-FN-A, relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Merle W. Schotanus for Appropriations: This bill is sent to interim study to identify alternative funding sources to support the very worthwhile goals of the bill. Vote 16-0.

SB 667-FN, relative to guardians ad litem appointed in child protection cases. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Appropriations: A guardian ad litem is a guardian appointed to prosecute or defend a suit on behalf of a party incapacitated by infancy or otherwise. This bill, as amended, distinguishes court-appointed special advocate guardians ad litem from other guardians ad litem. It also authorizes the court to make such appointments in child protection cases and requires the state Supreme Court to adopt rules for court-appointed guardians ad litem. There is no impact on state expenditures. The amendment changes the effective date from January 1, 1995 to July 1, 1994. Vote 16-0.

Amendment (6162B)

Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect July 1, 1994.

SB 760-FN-A-L, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Appropriations: This bill provides that \$2500 will be taken from the Department of Revenue Administration's 1994 budget and \$2500 from its 1995 budget to establish this revolving fund for the education and training of municipal employees. The amendment brings the dates into line with the department's requests and corrects an oversight in earlier legislation. Vote 17-0.

Amendment (6164B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a revolving fund in the department of revenue administration
for the education and training of municipal officers and employees
and relative to the recognition of tax anticipation notes for
the purpose of setting property tax rates.

Amend RSA 21-J:24-a, III as inserted by section 1 of the bill by replacing it with the following:

III. An initial funding of \$2,500 shall be transferred from the current expenses appropriation of the municipal services division prior to June 30, 1994; a second funding of \$2,500 shall be transferred from the current expenses appropriation of the municipal services division of the municipal services division between July 1, 1994 and December 1, 1994.

Amend the bill by replacing all after section 2 with the following:

3 Recognition of Proceeds. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18. *The governing body, after receiving authorization for borrowing from the legislative body, may elect to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification, prior to September 1, to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue.*

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a revolving fund in the department of revenue administration for the education and training of municipal officers and employees.

The bill also allows school districts to elect to recognize the proceeds of tax anticipation notes as revenue for the purposes of setting property tax rates.

SB 771-FN-A, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases. **OUGHT TO PASS**

Rep. Marie C. Hawkinson for Appropriations: This bill requires the director of police standards and training council to offer training of police, prosecutors and correctional personnel in the prevention, investigation and prosecution of sexual assault cases, as recommended by the law enforcement task force established. Funds are transferred from existing unexpended funds from the surcharge on fines. Vote 19-0.

SB 781-A, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated. **INEXPEDIENT TO LEGISLATE**

Rep. Gerald P. Merrill for Appropriations: This bill is not needed as it is contained in HB 1518-A. Vote 18-0.

SB 806, relative to a capital appropriation for repair and restoration of the state house. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Appropriations: From funds authorized in RSA 351:1, II, A for State House repairs, this bill authorizes further repairs in the State House and Legislative Office Building to include: repairing and painting the State House exterior, repairing State House windows, restoring SH Room 120, refurbishing the Senate chamber, upholstering chairs in the cafeteria and LOB basement lobby, air conditioning for SH Room 100; and constructing a segregated, enclosed ventilated area for permitted-smoking in the LOB basement. Vote 21-0.

Amendment (6215B)

Amend the bill by replacing section 1 with the following:

1 Balance from State House Dome Repair Project Appropriation. Amend 1991, 351:1, II, A as amended by 1993, 359:22 to read as follows:

359:22 Appropriation; State House Repairs. Amend 1991, 351:1, II, A to read as follows:

A. Repair State House dome; repair and paint exterior of State House; repair State House windows; restoration of room 120 in the State House; *refurbish senate chamber; upholster chairs; air conditioning of room 100; smoking area in LOB basement.* * \$250,000

* Any anticipated balance from the state house dome repair project in this authorization shall be transferred from the department of administrative services to the general court. Of that balance, \$123,000 is available for repairing and painting the exterior of the state house, repairing the state house windows, and restoring room 120 in the state house; *\$30,000 is available for refurbishing of the senate chamber, including upholstering of chairs and sofas, new carpeting and sound system repair; and \$20,000 is available for upholstering of chairs in the state house cafeteria and the legislative office building basement lobby; \$5,000 is available for air conditioning of room 100 in the state house; and \$11,000 is available for construction of a segregated, enclosed, ventilated smoking permitted area in the legislative office building basement. This appropriation shall not lapse until June 30, 1995.*

SB 580-FN, establishing a committee to study future directions for New Hampshire child care licensing policies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eugene L. Gagnon for Children, Youth and Juvenile Justice: This bill, as amended, reinstates the exemption for municipal recreation programs from state child day care licensing regulation. The bill also establishes a committee to study future directions for New Hampshire child care licensing policies. Vote 16-0.

Amendment (6224B)

Amend the title of the bill by replacing it with the following:

AN ACT

exempting municipal recreation programs from day care licensing requirements
and establishing a committee to study future directions for
New Hampshire child care licensing policies.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Municipal Recreation Programs Exempt from Child Day Care Licensing Regulation. Amend RSA 170-E:3, 1 by inserting after subparagraph (e) the following new subparagraph:

(f) Municipal recreation programs.

2 Committee Established; Purpose; Membership. A committee is established to study future directions for New Hampshire child care licensing policies. The committee shall consist of the following members:

I. Two members of the senate, appointed by the senate president.

II. Two members of the house of representatives, appointed by the speaker of the house.

III. Two representatives from the department of health and human services, appointed by the commissioner.

IV. The chairperson of the New Hampshire child care advisory committee, or designee.

V. The New Hampshire coordinator for school-age child care, or designee.

VI. The chief of community recreation, New Hampshire division of parks and recreation, or designee.

VII. The executive secretary of the New Hampshire Boys and Girls Clubs Area Council, or designee.

VIII. The president of the New Hampshire Parks and Recreation Association, or designee.

IX. A postsecondary professor of early childhood education, appointed by the executive director of the postsecondary education commission.

X. A parent whose child is presently involved in child care services or related programs, appointed by the governor.

XI. A representative of the YMCA, appointed by the chairperson of the Executive Cabinet of the Granite State Cluster of YMCAs.

XII. A representative of the New Hampshire Child Care Association, appointed by the association.

XIII. A representative of the New Hampshire Municipal Association, appointed by the association.

XIV. A representative of the New Hampshire Association for the education of Young Children, appointed by the association.

3 Duties; Report. The committee shall:

I. Study the issue of exemptions from child care licensing regulations.

II. Study the variety of child care programs presently operating in New Hampshire and make recommendations for classifying these programs for regulatory purposes.

III. Provide recommendations for appropriate legislation relating to child care licensing regulation.

IV. Issue a report including recommendations for appropriate legislation. The report shall be submitted to the governor, the president of the senate, the speaker of the house, and the state board of education no later than November 1, 1994.

4 Meetings; Chairperson.

I. The first-named member of the house shall call the first meeting within 30 days of the effective date of this act.

II. A chairperson shall be elected by the members of the committee.

III. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that municipal recreation programs shall be exempt from state child day care licensing regulation and establishes a committee to study future directions for state child care licensing policies and regulations.

SB 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation." OUGHT TO PASS WITH AMENDMENT

Rep. Irene A. Pratt for Children, Youth and Juvenile Justice: This bill changes the title of juvenile services officers to juvenile court officers and changes the term "conditional release" to "juvenile probation" as it relates to juveniles adjudicated delinquent and placed on probation. Vote 11-0.

Amendment (6217B)

Amend the title of the bill by replacing it with the following:

AN ACT

changing the title of juvenile services officers to juvenile court officers, and changing the term "conditional release" to "juvenile probation."

Amend the bill by replacing sections 1 and 2 with the following:

1 Reference Changes. Amend the following RSA provisions by replacing "juvenile services officer" with "juvenile court officer": RSA 169-B:2, VIII(c); 169-B:9; 169-B:9-a; the unnumbered concluding paragraph of 169-B:24; 169-B:25; 169-B:30; 169-C:3, XXIV; 169-C:6, I-III; 169-C:34, IV; 169-D:8, II; 169-D:9-a; and 170-G:1, VI.

2 Reference Changes. Amend the following provisions by replacing "juvenile services officers" or "juvenile service officers" with "juvenile court officers": RSA 169-B:35, II; 169-D:2, VI(c); 169-D:25, II; 170-G:3, III; 170-G:4, II-a; 170-G:15; and 170-G:16.

AMENDED ANALYSIS

This bill changes the title of juvenile services officers to juvenile court officers, and changes the term "conditional release" to "juvenile probation" as it relates to juveniles adjudicated delinquent and placed on probation.

SB 518, relative to life and health insurance policy language simplification. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill requires all group and individual health insurers, hospital service corporations, nonprofit health service corporations and health maintenance organizations to provide information concerning covered services in clear and simple language. This bill also establishes simplification standards for use in all health insurance policies. Vote 12-0.

Amendment (6180B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring health care providers to clearly state the benefits and services provided to enrollees and subscribers and relative to policy language simplification.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Explanation of Benefits. Amend RSA by inserting after chapter 420-G the following new chapter:

CHAPTER 420-H

EXPLANATION OF BENEFITS

420-H:1 Purpose. The legislature finds and declares that:

I. Current and prospective beneficiaries, and enrollees and subscribers of group and individual health policies and hospital service plans, nonprofit health service plans, medical service plans, and health maintenance organizations do not always understand the medical services that will and will not be covered by such third-party payors, or the payment schedule contained in such policies or plans.

II. Third-party payors should be required to provide such information regarding covered services in clear and simple terms with an easily understandable schedule of payment for services covered to current and potential beneficiaries, enrollees and subscribers.

420-H:2 Definitions. As used in this chapter:

I. "Certificate" means a document received by an insured, enrollee, or subscriber from an insurer in lieu of a policy or contract which evidences the coverage to which the insured, enrollee or subscriber is entitled.

II. "Commissioner" means the commissioner of the insurance department.

III. "Company" or "insurer" means any life or health insurance company, fraternal benefit society, nonprofit health service corporation, nonprofit hospital service corporation, nonprofit medical service corporation, prepaid health plan, dental care plan, vision care plan, pharmaceutical plan, health maintenance organization, and all similar type organizations.

IV. "Policy" or "policy form" means any policy, contract, certificate, plan or agreement of life or health insurance, including credit life insurance and credit health insurance, delivered or issued for delivery in this state by any company subject to this chapter; any certificate, contract or policy issued by a fraternal benefit society; and any certificate issued pursuant to a group insurance policy delivered or issued for delivery in this state.

420-H:3 Scope. This chapter shall apply to all policies delivered or issued for delivery in this state by any company on or after the date such forms must be approved under this chapter, but nothing in this chapter, shall apply to:

I. Any policy which is a security subject to federal jurisdiction;

II. Any group policy covering a group of 1,000 or more lives at date of issue, other than a group credit life insurance policy or a group credit health insurance policy; however, this shall not exempt any certificate issued pursuant to a group policy delivered or issued for delivery in this state;

III. Any group annuity contract which serves as a funding vehicle for pension, profit sharing or deferred compensation plans;

IV. Any form used in connection with, as a conversion from, as an addition to, or in exchange pursuant to a contractual provision for, a policy delivered or issued for delivery on a form approved or permitted to be issued prior to the dates such forms must be approved under this chapter;

V. The renewal of a policy delivered or issued for delivery prior to the dates such forms must be approved under this chapter.

420-H:4 Requirements. Enrollees, subscribers, certificate holders, and individual insureds shall receive in simple and concise written language at least the following information:

I. An explanation of benefits provided.

II. Any benefit limitations, reductions, exclusions or exceptions to covered services, including an explanation of any restrictions on a subscriber's access to network practitioners based upon the subscriber's choice of primary care physician.

III. The nature of any payments required of the beneficiary, enrollee or subscriber such as copayments or deductibles.

IV. The nature of any limitations on payment by the insurer, including limitations based on the use of network or out-of-network health care providers.

V. The credentials of any health care provider the health care plan holds out as a specialist denoting board eligibility or board certification for such specialty.

420-H:5 Minimum Policy Language Simplification Standards.

I. In addition to any other requirements of law, no policy forms, except as stated in RSA 420-H:3, shall be delivered or issued for delivery in this state on or after the dates such forms must be approved under this chapter unless:

(a) The text achieves a minimum score of 40 on the Flesch reading ease test or an equivalent score on any other comparable test as provided in paragraph III;

(b) It is printed, except for specification pages, schedules and tables, in not less than 10 point type, one point leaded;

(c) The style, arrangement and overall appearance of the policy give no undue prominence to any portion of the text of the policy or to any endorsements or riders; and

(d) It contains a table of contents or an index of the principal sections of the policy, if the policy has more than 3,000 words printed on 3 or fewer pages of text, or if the policy has more than 3 pages regardless of the number of words.

II. For the purposes of this section, a Flesch reading ease test score shall be measured by the following method:

(a) For policy forms containing 10,000 words or less of text, the entire form shall be analyzed. For policy forms containing more than 10,000 words, the readability of two 200 word samples per page may be analyzed instead of the entire form. The samples shall be separated by at least 20 printed lines.

(b) The number of words and sentences in the text shall be counted and the total number of words divided by the total number of sentences. The figure obtained shall be multiplied by a factor of 1.015.

(c) The total number of syllables shall be counted and divided by the total number of words. The figure obtained shall be multiplied by a factor of 84.6.

(d) The sum of the figures computed under (b) and (c) subtracted from 206.835 equals the Flesch reading ease score for the policy form.

(e) For purposes of RSA 420-H:5, II(b), (c) and (d), the following procedures shall be used:

(1) A contraction, hyphenated word, or numbers and letters, when separated by spaces, shall be counted as one word;

(2) A unit of words ending with a period, semicolon, or colon, but excluding headings and captions, shall be counted as a sentence; and

(3) A syllable means a unit of spoken language consisting of one or more letters of a word as divided by an accepted dictionary. Where the dictionary shows 2 or more equally acceptable pronunciation of a word, the pronunciation containing fewer syllables may be used.

(f) The term "text" as used in this section shall include all printed matter except the following:

(1) The name and address of the insurer; the name, number or title of the policy; the table of contents or index; captions and subcaptions; specification pages, schedules or tables; and

(2) Any policy language which is drafted to conform to the requirements of any federal law, regulation or agency interpretation, any policy language required by any collectively bargained agreement, any medical terminology, any words which are defined in the policy, and any policy language required by law or regulation, provided, however, the insurer identifies the language or terminology excepted by this subparagraph and certifies, in writing, that the language or terminology is entitled to be excepted by this subparagraph.

III. Any other reading test may be approved by the commissioner for use as an alternative to the Flesch reading ease test if it is comparable in result to the Flesch reading ease test.

IV. Filings subject to this section shall be accompanied by a certificate signed by an officer of the insurer stating that it meets the minimum reading ease score on the test used or stating that the score is lower than the minimum required but should be approved in accordance with RSA 420-H:6. To confirm the accuracy of any certification, the commissioner may require the submission of further information to verify the certification in question.

V. At the option of the insurer, riders, endorsements, applications and other forms made a part of the policy may be scored as separate forms or as part of the policy with which they may be used.

420-H:6 Powers of the Commissioner. The commissioner may authorize a lower score than the Flesch reading ease score required in RSA 420-H:5, I(a) whenever he finds that a lower score:

I. Will provide a more accurate reflection of the readability of a policy form;

II. Is warranted by the nature of a particular policy form or type or class of policy forms; or

III. Is caused by certain policy language which is drafted to conform to the requirements of any state law, rule or agency interpretation.

420-H:7 Approval of Forms. A policy form meeting the requirements of RSA 420-H:5, I shall be approved notwithstanding the provisions of any other laws which specify the content of policies, if the policy form provides the policyholders and claimants protection not less favorable than they would be entitled to under such laws.

2 Applicability. This act shall apply to all policy forms filed on or after January 1, 1997. No policy form shall be delivered or issued for delivery in New Hampshire on or after January 1, 2000, unless approved by the commissioner or permitted to be issued under this act. Any policy form which has been approved or permitted to be issued prior to January 1, 2000, and which meets the standards set by this act need not be refiled for approval, but may continue to be lawfully delivered or issued for delivery in this state upon the filing with the commissioner of a list of such forms identified by form number and accompanied by a certificate as to each such form in the manner provided in RSA 420-H:5, IV.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect as provided in section 2.

AMENDED ANALYSIS

This bill requires all group and individual health insurers, hospital service corporations, nonprofit health service corporations, medical service corporations, and health maintenance organizations to provide information concerning covered services in clear and simple language.

The bill also establishes simplification standards for use in all health insurance policies.

SB 549, relative to loans made by a bank to its executive officers, directors, or trustees. **OUGHT TO PASS**

Rep. Matthew J. Newland for Commerce, Small Business and Consumer Affairs: This bill provides the 48 state-chartered banks with the option of complying with either federal or state law relative to the approval of loans made to its executive officers, trustees, etc. Federally chartered banks need only comply with federal regulation "O." State-chartered banks must comply with the more restrictive of the two. This bill allows the option to choose. Vote 12-0.

SB 573, establishing a committee to study the relocation of abandoned manufactured homes within manufactured housing parks. **OUGHT TO PASS**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: Presently, abandoned housing in a manufactured housing park causes problems between park owners and the local taxing authority. This balanced committee will attempt to resolve this problem in a manner favorable to all concerned parties. Vote 12-0.

SB 804, establishing a committee to study delinquent property taxes owed by condominium unit owners. **REFER FOR INTERIM STUDY**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: Presently, many towns and cities have problems collecting taxes on certain condominiums. This bill will study the issue with a well-rounded study committee in an attempt to resolve this issue of delinquent condominium taxes. Vote 14-0.

SB 542, increasing the penalty for certain automobile offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill would have increased the penalty from a misdemeanor to a Class B felony for taking a motor vehicle without consent of the owner. While the committee is sympathetic to the desire of the sponsors to deter and punish "joyriding," after careful consideration we chose not to recommend passage of the bill. Under current law, juveniles aged 16 and 17 who commit any motor vehicle violation or misdemeanor can be tried and punished in adult court. If we were to change joyriding to a felony, these young offenders would be tried in juvenile court where punishment is not only confidential, but is much less certain. Juvenile defendants aside, the committee was reluctant to make the penalty for taking a motor vehicle without the owner's consent a felony under the motor vehicle code when the same conduct, unauthorized use of a propelled vehicle, is only a misdemeanor under the criminal code. Vote 12-0.

SB 605, relative to driving a motor vehicle after license revocation or suspension in another state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill was introduced to address the issue of out-of-state drivers who drive in New Hampshire after license revocation or suspension. Currently, they are only charged with driving without a valid license. As amended, the problem is addressed by adding out-of-state language to our chapter of Driving after Revocation or Suspension. Vote 10-0.

Amendment (6222B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to driving a motor vehicle after license revocation or suspension.

Amend the bill by replacing all after the enacting clause with the following:

1 Driving after Revocation or Suspension of License. Amend RSA 263:64, I by replacing it with the following:

I. No person shall drive a motor vehicle in this state after the director or the justice of any court *in this state, or competent authority in the out-of-state jurisdiction where the license was issued* has suspended or revoked his license to drive or after his driving privilege has been so suspended or revoked.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill prohibits a person with an in-state or out-of-state driver's license from driving a motor vehicle in this state if the person's license to drive or driving privilege has been suspended or revoked.

SB 609, providing extended terms of imprisonment for certain DWI offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill would have allowed an enhanced penalty for DWI-related negligent homicide and aggravated DWI with serious bodily injury when there was a prior offense. The committee felt that the current penalties of 15 years for negligent homicide and seven years for aggravated DWI were adequate. Vote 10-0.

SB 716-FN, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard O. Wasson for Environment and Agriculture: This bill, as amended, provides for the specifying of criteria by the Oil Fund Disbursement Board for competitive bidding and stipulates requirements for reimbursements to facility owners by said fund for proper clean up and disposal of contaminated soils. Vote 17-0.

Amendment (6231B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to reimbursement of cleanup costs and requiring the oil fund disbursement board to adopt rules relative to competitive bidding.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Rulemaking Duty Added. Amend RSA 146-D:5, I by inserting after subparagraph (f) the following new subparagraph:

(g) Specifying criteria for competitive bidding including least cost to the fund; consideration of the air, water, and soil pollution control efficiency of the method of treatment; and disposition of end products.

2 Requirements for Reimbursement. Amend RSA 146-D:6, III to read as follows:

III. Owners of facilities eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of on-site and off-site cleanup of oil discharges in amounts not to exceed \$1,000,000. *Cleanup costs for the treatment and disposal of contaminated soil shall be eligible for reimbursement only to the extent that such treatment and disposal is conducted by qualified entities holding all permits, authorizations, and licenses specified by the department of environmental services.* Reimbursement from the fund for damages to third parties shall be payable only to the extent to which such damages are not covered by other insurance policies. Reimbursement from the fund for costs of cleanup shall be reduced by the amount of any payments received from other insurance for such costs.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the oil fund disbursement board to adopt rules relative to criteria for competitive bidding.

This bill also establishes requirements for reimbursement of cleanup costs for the treatment and disposal of contaminated soil from the oil discharge and disposal cleanup fund.

SB 622, changing the membership of the board of examiners of psychology and mental health practice. **OUGHT TO PASS**

Rep. Kathleen W. Ward for Executive Departments and Administration: This proposal will enlarge the current board from nine members to 11, adding one additional social worker and one additional public member. Vote 12-0.

SB 802, relative to real estate appraisers. **OUGHT TO PASS**

Rep. J. Gregory McGrath for Executive Departments and Administration: This bill reflects technical changes that are required by the federal government to comply with changes in federal regulations concerning the appraisal practice. More changes are contemplated in the future from testimony given at the hearing. Vote 13-0.

SB 649, relative to workers' compensation insurance disclosure. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill requires insurance companies, self-insured employers, and self-insured groups providing workers' compensation to file annual disclosures of information with the labor commissioner. Currently, the RSA's and the rules that govern the department covers these requirements. Further questioning of the department revealed that it would not be necessary to pass legislation to accomplish this. Vote 14-1.

SB 520-L, relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord. **OUGHT TO PASS**

Rep. David M. Perry for Municipal and County Government: A House bill that allowed all municipalities the option of billing and collecting taxes quarterly was killed in the Senate. This bill will allow the City of Concord to try this method and see if it is a good method to improve cash flow. Vote 11-0.

SB 552, providing for ownership rights in dies and molds under certain conditions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Science, Technology and Energy: This bill, as amended, establishes a procedure for ownership rights of dies, molds, forms and patterns. Under this bill, the customer owns the die, mold, form or pattern unless there is an agreement to the contrary or unless the customer does not claim possession in which case ownership rights may pass to the molder. The bill also establishes a lien procedure. Vote 10-0.

Amendment (6195B)

Amend the title of the bill by replacing it with the following:

AN ACT

providing for ownership rights to dies, molds, forms,
and patterns under certain conditions.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Rights to Dies, Molds, Forms, and Patterns. Amend RSA by inserting after chapter 350-B the following new chapter:

CHAPTER 350-C

RIGHTS TO DIES, MOLDS, FORMS AND PATTERNS

Mold Retention

350-C:1 Definitions. In this subdivision:

I. "Customer" means any individual or entity who causes or caused a molder to fabricate, cast, or otherwise make a die, mold, form, or pattern or who provides a molder with a die, mold, form, or pattern to manufacture, assemble, cast, fabricate or otherwise make a product or products for a customer.

II. "Molder" means any individual or entity who fabricates, casts, or otherwise makes or uses a die, mold, form, or pattern for the purpose of manufacturing, assembling, casting, fabricating, or otherwise making a product or products for a customer. A "molder" includes, but is not limited to, a tool or die maker.

III. "Within 3 years following the last prior use" shall be construed to include any period following the last prior use of a die, mold, form, or pattern regardless of whether or not that period precedes the effective date of this subdivision.

350-C:2 Ownership Rights to Dies, Molds, Forms and Patterns.

I. In the absence of any agreement to the contrary, the customer shall have all rights and title to any die, mold, form, or pattern in the possession of the molder.

II. If a customer does not claim possession from a molder of a die, mold, form, or pattern within 3 years following the last prior use of such die, mold, form, or pattern, all rights and title to any die, mold, form, or pattern shall be transferred by operation of law to the molder for the purpose of destroying or otherwise disposing of such die, mold, form, or pattern, consistent with this section.

III. If a molder chooses to have all rights and title to any die, mold, form, or pattern, transferred to the molder by operation of law, the molder shall send written notice by registered mail to the chief executive office of the customer or, if the customer is not a business entity, to the customer at the customer's last known address indicating that the molder intends to terminate the customer's rights and title by having all such right and title transferred to the molder by operation of law pursuant to this subdivision. Such notice shall include a statement of the customer's rights as set forth in paragraph IV of this section.

IV.(a) If a customer does not respond in person or by mail to claim possession of the particular die, mold, form, or pattern within 120 days following the date the notice was sent, or does not make other contractual arrangements with the molder for storage of the die, mold, form, or pattern, all rights and title of the customer, except patents and copyrights, shall transfer by operation of law to the molder. Thereafter, the molder may destroy or otherwise dispose of the particular die, mold, form, or pattern as the molder's own property without any risk of liability to the customer.

(b) This subdivision shall not be construed in any manner to affect any right of the customer, under federal patent or copyright law or any state or federal law pertaining to unfair competition.

Liens**350-C:3 Liens.**

I. Molders, shall have a lien, dependent on possession, on all dies, molds, forms or patterns in their hands belonging to a customer, for the balance due them from such customer for any manufacturing or fabrication work, and in the value of all material related to such work. The molder may retain possession of the die, mold, form or pattern until the charges are paid.

II. Before enforcing such lien, notice in writing shall be given to the customer, whether delivered personally or sent by registered mail to the last-known address of the customer. This notice shall state that a lien is claimed for the damages set forth in or attached to such writing for manufacturing or fabrication work contracted or performed for the customer. This notice shall also include a demand for payment.

III. If the molder has not been paid the amount due within 60 days after the notice has been received by the customer as provided in paragraph II, the molder may sell the die, mold, form, or pattern at a public auction if both of the following occur:

(a) The die, mold, form, or pattern is still in the molder's possession.

(b) The molder complies with RSA 350-C:4.

350-C:4 Sale.

I. Before a molder may sell the die, mold, form, or pattern the molder shall notify the customer by registered mail, return receipt requested. The notice shall include the following information:

(a) The molder's intention to sell the die, mold, form, or pattern 30 days after the customer's receipt of the notice.

(b) A description of the die, mold, form, or pattern to be sold.

(c) The time and place of the sale.

(d) An itemized statement for the amount due.

II. If there is not a return of the receipt of the mailing or if the postal service returns the notice as being nondeliverable, the molder shall publish notice of the molder's intention to sell the die, mold, form, or pattern in a newspaper of general circulation in the customer's last known place of business. The notice shall include a description of the die, mold, form, or pattern and name of the customer.

III.(a) If the sale is for a sum greater than the amount of the lien, the excess shall be paid to any prior lienholder known to the molder at the time of the sale and any remainder to the customer, if the customer's address is known, or the state treasurer for deposit in the general fund if the customer's address is unknown to the molder at the time of the sale.

(b) A sale shall not be made under this subdivision if it would be in violation of any right of a customer under federal patent or copyright law.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill establishes a procedure for ownership rights in dies, molds, forms, and patterns. Under this bill, the customer owns the die, mold, form, or pattern unless there is an agreement to the contrary or unless the customer does not claim possession in which case ownership rights may pass to the molder. The bill also establishes a lien procedure in the event a customer contracts for such die, mold, form, or pattern and ceases to make payments.

SCR 10, to request Congress to allow all states east of the 100th meridian to regulate the export of unprocessed logs. **OUGHT TO PASS**

Rep. Lawrence J. Guay for State-Federal Relations: In passing this resolution, it is not the intent to restrict the export of unprocessed logs to Quebec and the Maritime Provinces. The resolution is asking that the state would be given the right to restrict the exportation of logs as provided pursuant to the authority under the Forest Resources Conservation and Shortage Relief Act of 1990 as amended. Vote 10-0.

SB 538, establishing a state freshwater fish. **OUGHT TO PASS**

Rep. Robert L'Heureux for Wildlife and Marine Resources: The committee feels that the brook trout is an excellent, rugged fish that represents the true spirit of New Hampshire individualism. Vote 10-0.

SB 585, increasing penalties for certain acts of cruelty to animals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roland J. Lefebvre for Wildlife and Marine Resources: This bill was amended to change the language regarding misdemeanors from "negligently" to "purposefully." Vote 10-0.

Amendment (6037B)

Amend the bill by replacing all after the enacting clause with the following:

1 Penalties Increased; Cruelty to Animals. The introductory paragraph of RSA 644:8, III is repealed and reenacted to read as follows:

III. A person is guilty of a misdemeanor for a first offense, and of a class B felony for a second or subsequent offense, who:

2 New Paragraph; Class B Felony. Amend RSA 644:8 by inserting after paragraph III the following new paragraph:

III-a. A person is guilty of a class B felony who purposely beats, cruelly whips, tortures, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured or mutilated.

3 Cross References. Amend RSA 644:8, IV and IV-a(a) to read as follows:

IV. In addition to being guilty of [a misdemeanor] *crimes* as provided in [paragraph] *paragraphs III, and III-a* any person charged with cruelty to animals may have his animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted.

IV-a.(a) Except as provided in subparagraph (b) any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been abused or neglected in violation of [paragraph] *paragraphs III or III-a* when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order. Such officer shall leave a written notice indicating the type and number of animals taken

into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the animal returned and any other relevant information. Such notice shall be left at the location where the animal was taken into custody. The officer shall provide for proper care and housing of any animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been returned or claimed, the officer shall petition the municipal or district court seeking either permanent custody or a one-week extension of custody or shall file charges under this section. If a week's extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title and custody of the animal shall rest with the officer on behalf of his department or society. The department or society may dispose of the animal in any lawful and humane manner as if it were the rightful owner. If after 14 days the officer or his department determines that charges should be filed under this section, he shall petition the court.

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill makes second or subsequent offenses of certain acts of animal cruelty class B felonies.

This bill makes mutilation, torture, or certain other acts of mistreatment of an animal a class B felony.

SB 708-FN, permitting the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee. **INEXPEDIENT TO LEGISLATE**

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill duplicates other bills which adequately address aquaculture and live bait in Lake Sunapee. Therefore, the committee voted unanimously. Vote 10-0.

REGULAR CALENDAR

SB 558, relative to imposing late payment fees on retail credit customers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs: This bill clarifies the language in R.S.A.-358 K:1, XIII to include late fees in this section. Vote 10-2.

Amendment (6018B)

Amend the bill by replacing section 1 with the following:

1 Late Fees Added. Amend RSA 358-K:1, XIII to read as follows:

XIII. "Other charges" or "other charge," notwithstanding any other law to the contrary, means any cost or charge, other than interest as defined in paragraph XII, including but not limited to origination fees, loan discount, transaction costs, buydown funds, or other fees, *including late fees*, or assessments, whether or not expressed as a percentage of the amount of the loan or debt, payable directly or indirectly by the consumer and imposed directly or indirectly by the creditor as an incident to or a condition of the extension of credit.

AMENDED ANALYSIS

This bill allows holders of consumer credit agreements to impose late fees for any installment payment which is late.

Adopted.

Report adopted and ordered to third reading.

SB 590, relative to the investment of trust funds by banks in affiliated investments. **INEXPEDIENT TO LEGISLATE**

Rep. Thea Braiterman for Commerce, Small Business and Consumer Affairs: This bill would allow a bank as a trustee of a trust fund to invest monies from that trust fund into mutual funds owned by that bank. The Commerce Committee feels this constitutes a conflict of interest and represents a potential danger to the trust funds. Vote 10-4.

Adopted.

SB 684, limiting fees charged by companies and lenders for checks drawn on insufficient funds. **INEXPEDIENT TO LEGISLATE**

Rep. Suzanne K. Loder for Commerce, Small Business and Consumer Affairs: This bill limits fees charged by companies and lenders for checks drawn on insufficient funds. The majority of the committee agreed with the bank commissioner that the legislature should not be endorsing or empowering businesses to unilaterally add finance charges, fees, and additional charges in addition to a \$30 charge for a dishonored check. Vote 10-3.

Rep. Bonnie Packard yielded to questions.

Adopted.

SB 711, relative to small employer and individual insurance. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thea Braiterman for Commerce, Small Business and Consumer Affairs: Access to and affordability of health insurance is the purpose of SB 711. All insurers will be required to accept and renew all individual or employer groups up to 100. A prohibition on screening pre-existing conditions or health history means insurers will no longer be allowed to exclude high-risk applicants or charge them excessive rates. Each carrier will set its community rate based on experience with no modification for gender, geographical location, occupation or health status. A phase-in age differential of 2-to-1 will result in younger people paying less than older people. States which have adopted these insurance reforms appreciate the rate stability and lowered cost of health insurance. Widespread support for this insurance reform comes from Health and Human Services Commissioner Harry Bird, Insurance Commissioner Sylvio Dupuis, and citizens and organizations throughout the state. Vote 11-5.

Rep. Beverly A. Gage for the Minority of Commerce, Small Business and Consumer Affairs: "Who's covered" and at "what cost?" Those covered are individuals and small group-employers of 1 to 100 persons. With the passage of SB 711 the cost of insurance premiums could increase as much as 100 percent, even with the 25 percent cap on the age differential. The older rate will go down while the young and healthy will pay more. This is "cost shifting" in the guise of "community rating." The subcommittee on SB 711 passed three amendments addressing collection of data by the Insurance Commissioner's Office; locking in the rate differential by age at 3-to-1; and exempting the New Hampshire Motor Transport Association Insurance Trust for three years so it can build up reserves in order to comply with SB 711. Two of the amendments were defeated by the full committee and one was withdrawn.

MOTION TO LIMIT DEBATE

Rep. Wells moved that debate be limited to five minutes for each side, excluding questions and spoke in favor.

Reps. Burling, Dickinson, Ann Torr and Trombly spoke against.

The motion failed.

REGULAR CALENDAR (Cont'd.)

Rep. Whalley moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass, and spoke in favor.

Reps. Crory and Bonnie Packard spoke against and yielded to questions.

Reps. Wells and Robert Wheeler spoke in favor and yielded to questions.

Rep. Douglas Hall spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 105 - NAYS 238

YEAS 105

BELKNAP

Campbell, Richard, Jr.
Rice, Thomas, Jr.

Dewhirst, Glenn
Rosen, Ralph

Holbrook, Robert
Young, Niel

Johnson, Carl

CARROLL

Beach, Mildred
Wiggin, Gordon

Lyman, L. Randy

Mock, Henry

Saunders, Howard

CHESHIRE

Avery, Stephen
Royce, H. Charles

Cole, Stacey

Delano, Robert

McNamara, Wanda

COOS

Merrill, Gerald

Pratt, Leighton

GRAFTON

Ham, Bonnie

LaMott, Paul

Larson, Nils, Jr.

Rose, William

HILLSBOROUGH

Ahern, Richard
Cowenhoven, Garret
Dyer, Merton
Hunter, Bruce
Kurk, Neal
Lessard, Rudy
Moncrief, Keith
Peters, Stanley
Smith, Leonard
Wells, Peter, Sr.

Andrews, Frederick
Daniels, Gary
Dykstra, Leona
Jean, Loren
L'Heureux, Robert
Lozeau, Donnalee
Murphy, Robert
Rheault, Lillian
Tate, Joan
Wheeler, Robert

Borsa, Andrew
Desrosiers, William
Fenton, James
Kelley, Dana
Lachut, Ervin
McRae, Karen
Pepino, Leo
Riley, Frances
Upton, Barbara
Wright, George

Bowers, Dorothy
Dodge, Emma
Greenberg, Gary
Kelley, Robert
Lefebvre, Roland
Milligan, Robert
Perkins, Paul
Rothhaus, Finlay
Weergang, Alida

MERRIMACK

Barberia, Richard
Nichols, Avis
Willis, Jack

Holmes, Mary
Stapleton, Henry

Kennedy, Richard
Whalley, Michael

Langer, Ray
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Dowling, Patricia
Fesh, Robert
Lee, Rebecca
Raynowska, Bernard
Sytek, Donna

Arndt, Janet
Bove, Martin
Drake, Herbert
Johnson, Robert
McKinney, Betsy
Ritzo, Eugene
Sytek, John

Battles, Marjorie
Campbell, Marilyn
Dube, LeRoy
Katsakiores, George
Moore, Benjamin
Schanda, Joseph, Sr.
Warburton, Calvin

Beaulieu, Jon
Clark, Vivian
Felch, Charles, Sr.
Klemm, Arthur, Jr.
Pullman, Robert
Smith, Arthur
Williamson, William

STRAFFORD

Brown, Julie
Torr, Ralph

Douglass, Clyde

Kincaid, William

Knowles, William

SULLIVAN

Domini, Irene

NAYS 238**BELKNAP**

Bartlett, Gordon
Laffam, Robert
Ziegler, Alice

Cain, Thomas
Salatiello, Thomas

Golden, Paul
Smith, Linda

Hauck, William
Turner, Robert

CARROLL

Bradley, Jeb
Foster, Robert

Chandler, Gene
Philbrick, Donald

Cogswell, Richard

Dickinson, Howard, Jr.

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Manning, Joseph
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Hunt, John
McGuirk, Paul
Richardson, Barbara
Smith, Edwin

Champagne, Richard
Kingsbury, H. Thayer
Metzger, Katherine
Riley, William

DePecol, Benjamin
Lynch, Margaret
Pearson, Gertrude
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry

Hawkinson, Marie

Horton, Lynn

GRAFTON

Bean, Pamela
Brown, Patricia
Driscoll, William
McIlwaine, Deborah
Trelfa, Richard

Below, Clifton
Chase, Paul, Jr.
Eaton, Stephanie
Nordgren, Sharon
Wadsworth, Karen

Brown, Alson
Copenhaver, Marion
Gordon, Edward
Scanlan, David
Ward, Kathleen

Brown, Channing
Crory, Elizabeth
Hill, Richard
Teschner, Douglass

HILLSBOROUGH

Ahlgren, Madelyn
Arnold, Barbara
Bergeron, Normand
Cepaitis, Elizabeth
Drabinowicz, A. Theresa
Emerton, Lawrence, Sr.
Franks, Suzan
Haettenschwiller, Alphonse
Healy, Daniel
Holt, Mark
Kirby, Thomas
McCarty, Winston
Moore, Elizabeth
O'Hearn, Jane
Record, Alice
Sargent, Maxwell
Soucy, Richard
Vanderlosk, Stanley

Ahrens, Frederick
Arnold, Thomas, Jr.
Buckley, Raymond
Chabot, Robert
Drolet, Paul
Ferguson, Charles
Gage, Ruth
Hall, Betty
Holden, Carol
Jasper, Shawn
Laughlin, J. Francis
Mercer, Robert
Morello, Michael
O'Rourke, Joanne
Reidy, Frank
Searles, Stanley, Sr.
Sullens, Joan
White, John

Allen, W. Gordon
Asselin, Robert
Burke, M. Virginia
Clemons, Jane
Durham, Susan
Fields, Dennis
Gervais, Glen
Hanselman, Gregory
Holley, Sylvia
Jean, Claudette
Leclerc, Charles
Messier, Irene
Morrisette, Roland
Packard, Bonnie
Rodgers, G. Philip
Smart, John
Toomey, Kathryn

Amidon, Eleanor
Bergeron, Lucien
Calawa, Leon, Jr.
Crotty, Edward
Dwyer, Patricia
Foster, Linda
Gosselin, Gerald
Hart, Nick
Holt, David
Johnson, Lionel
Lown, Elizabeth
Mittelman, David
Nardi, Theodora
Plourde, Alphonse
Sallada, Roland
Soucy, Donna
Turgeon, Roland

MERRIMACK

Braiterman, Thea
Chandler, John
Fillion, Paul
Houlahan, Thomas
Lockwood, Robert
Owen, Derek
Shaw, Randall
Ward, Jay

Buessing, Marjorie
Daneault, Gabriel
French, Barbara
Johnson, C. William
Mitchell, Vernon
Pfaff, Terence
Teague, Bert
Yeaton, Charles

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Johnson, Joyce May
Moore, Carol
Regan, Maurice
Trombly, Rick

Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Kidder, William
Newland, Matthew
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Christie, Andrew, Jr.
Cote, Patricia
Gage, Beverly
Klemarczyk, Thaddeus
Miller, Don
Pantelakos, Laura
Rubin, George
St. Martin, Tommy
Welch, David

Blake, Daniel
Clark, Martha
Crossman, Harold, Jr.
Gargiulo, Louis
Kruse, Fred
Newman, Rick
Pratt, Katharin
Senter, Merilyn
Stritch, C. Donald
Weyler, Kenneth

Case, Margaret
Coes, Betsy
Flanders, David
Hurst, Sharleene
Malcolm, Kenneth
Noyes, Richard
Putnam, Ed, II
Skinner, Patricia
Syracusa, Anthony
Woods, Deborah

Chester, Sherman
Conroy, Janet
Flanders, John, Sr.
Kane, Cecelia
McGovern, Cynthia
O'Keefe, Patricia
Rosencrantz, James
Splaine, James
Vaughn, Charles
Yennaco, Carol

STRAFFORD

Brown, George
Gilmore, Gary
Hilliard, Dana

Callaghan, Frank
Hambrick, Patricia
Keans, Sandra

Chagnon, Ronald
Hashem, Elaine
Loder, Suzanne

Dunlap, Patricia
Hemon, Roland
Lundborn, Raymond

McCann, William, Jr.	McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda
Merritt, Deborah	Nehring, William	Pageotte, Donald	Pelletier, Arthur
Rogers, Rose Marie	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Vincent, Francis	Wall, Janet
Wasson, Richard	Wheeler, Katherine		

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Lindblade, Eric	Palmer, Lorraine
Rodeschin, Beverly	Schotanus, Merle	Stamatakis, Carol	

and the motion failed.

Reps. Hager and Stone wished to be recorded in opposition to the substitute motion.

The Majority of the Committee offered a floor amendment.

Floor Amendment (6350B)

Amend RSA 420-G:4, I(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Carriers may modify such average premium for age only in accordance with the following limitations:

(A) During the first calendar year that this chapter is in effect the maximum premium differential for age as determined by ratio shall be 4 to 1;

(B) During the second calendar year and all subsequent years that this chapter is in effect such maximum premium differential shall be 3 to 1.

Amend RSA 420-G:10 as inserted by section 1 of the bill by replacing it with the following:

420-G:10 Applicability; Carriers.

I. This chapter shall apply to any entity licensed, controlled or regulated by RSA 415, RSA 415-E, RSA 419, RSA 420, RSA 420-A, RSA 420-B or RSA 420-C which offers or provides individual or small employer health insurance plans or health benefits plans for delivery in this state. This chapter shall also apply to any multi-employer plan, trust, association, claims administrator, claims paying agent or any other entity whether fully insured, partially insured, or self-funded which offers or provides individual or small employer health insurance plans or health benefits plans for delivery in this state. This chapter shall not apply to pooled risk management programs which meet the standards established by RSA 5-B.

II. Notwithstanding any other provision of this chapter, any multiple employer welfare arrangement which meets the requirements of RSA 415-E:2, III shall be exempt from the provisions of this chapter until January 1, 1998.

Adopted.

Report adopted and ordered to third reading.

RECESS**(Rep. Cole in the Chair)**

SB 717, relative to residency forms and automobile insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: The amendment places a prohibition on individuals who falsely obtain automobile insurance in this state. If an individual is determined by the insurer to have falsely attested to residency, then payment with respect to bodily injury and property damage claims shall not exceed the limits of RSA 264, the financial responsibility limits of \$25,000 per person or \$50,000 per occurrence. For the purpose of defining "resident" under this chapter, the commissioner shall adopt rules. The majority of the committee is concerned with the number of individuals who are registering and insuring their vehicles in New Hampshire without benefit of a residence and feel that this is a step towards addressing this issue. Vote 8-4.

Amendment (6176B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to false residency forms and automobile insurance.

Amend the bill by replacing all after the enacting clause with the following:

1 False Statements Concerning Residency. Amend RSA 412:2-d to read as follows:

412:2-d Prohibition on Nonresident Automobile Insurance. Notwithstanding any other provision of law to the contrary, no individual shall be provided coverage under a policy of automobile insurance, as defined in RSA 417-A, if such individual is determined by the insurer to have falsely attested to the statement required in RSA 417-A:3-b at the time such policy was issued or renewed. Payment *not exceeding the limits required by RSA 264* shall be made by the insurer *with respect to accidents which occur in New Hampshire* for all valid bodily injury and property damage liability claims and all valid uninsured motorist claims by individuals other than the applicant *or applicants* for insurance who signed the statement required by RSA 417-A:3-b arising under such policy; however, the insurer shall be legally entitled to reimbursement by the policyholder for all such paid claims.

2 Rulemaking; Definition of Resident. Amend RSA 412:19-a to read as follows:

412:19-a Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to defining "resident" for the purposes of this chapter and RSA 417-A[, including any criteria necessary for determining residency in the state]. *Such definition shall include any criteria necessary for determining residency in this state, including the residency of persons on active duty in the military service of the United States, retired persons and other persons temporarily out of this state.*

3 Statement of Residency. Amend RSA 417-A:3-b, I to read as follows:

I. All applicants for coverage under new or renewal policies of automobile insurance shall sign a statement of residency, *on a form prescribed by the insurance department*, which the [insurance company] insurer shall provide as part of the application for such insurance. [The statement of residency shall be as follows:

I, the undersigned, hereby attest that I am a resident of the state of New Hampshire. I understand that if I am not a resident of the state of New Hampshire, I am subject to prosecution, imprisonment of up to one year, and a fine of \$2,000.

Signed: _____

Date: _____

Copies to:

Insurance Department

Applicant]

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill limits the liability of automobile insurers for bodily injury and property damages incurred by individuals other than the insured where the insured has falsely attested to residency in New Hampshire.

The bill also clarifies the criteria to be considered by the insurance commissioner in defining the term "residency" for the purposes of automobile insurance.

Rep. Bonnie Packard spoke in favor and yielded to questions.

Rep. Shaw spoke against.

Adopted.

Report adopted and ordered to third reading.

SS 608, increasing the penalty for certain DWI offenses to include lifetime license revocation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: As the bill came from the Senate, it called for mandatory life-time revocation of driver's license for fourth-offense DWI, leaving no discretion to the courts. As amended, the bill calls for an indefinite revocation which could be lifetime for a third or subsequent offense, with a mandatory minimum before restoration of five to 10 years, depending on the offense. After the minimum period, the person may petition the court for permission to re-apply for a license. The court need not

grant the petition unless good cause is shown. Even if the petition is granted, the license will not be restored until the person meets all DMV administrative requirements. The amended bill also broadens the inclusion of out-of-state DWI convictions that count as prior offenses, and it re-arranges RSA 265:82-b, the DWI penalty section, to bring some order out of chaos. Vote 10-0.

Amendment (6152B)

Amend the title of the bill by replacing it with the following:

AN ACT

increasing penalties for a person convicted of DWI-related offenses and reorganizing DWI statutes.

Amend the bill by replacing all after the enacting clause with the following:

1 Impaired Driver Intervention Program; Reference Changed. Amend the introductory paragraph of RSA 172-B:2-a, II to read as follows:

II. The director jointly with the commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to the impaired driver intervention programs and those programs equivalent to the M.O.P. as required in [RSA 265:82-b, VI(b)] *RSA 263:65-a and RSA 265:82-b* with respect to:

2 Multiple DWI Offender Intervention Detention Center Program. RSA 172-B:2-b is repealed and reenacted to read as follows:

172-B:2-b Multiple DWI Offender Intervention Detention Center Program.

I. The director shall be responsible for administration and operation of the 7-day multiple DWI offender intervention detention center program which persons convicted under RSA 265:82 or 82-a may be required to attend under the provisions of RSA 265:82-b.

II. Any person who attends the multiple DWI offender intervention detention center program shall be required to pay the fees for confinement and intervention costs prior to and as a prerequisite to admission into the program, except that prior payment shall not be required of any person convicted on a second or subsequent offense pursuant to RSA 265:82-b, II or III. The fees collected shall be deposited in a special account in the office of the state treasurer and utilized as provided in RSA 172-B:2-c.

III. The state operated multiple DWI offender intervention detention center program shall furnish to the courts and to the division of motor vehicles, department of safety, a report indicating when a person who attends the program pursuant to RSA 265:82-b has successfully completed the program. Included in that report shall be any recommendations for further treatment or involvement in Alcoholics Anonymous when appropriate and warranted. The court, upon receipt of such report, may after a hearing order the defendant to follow the treatment recommendations at a court-approved treatment facility.

IV. The director shall submit an annual report on the state operated multiple DWI offender intervention detention center program, on or before January 1 of each year, to the speaker of the house of representatives and the president of the senate.

V. The director shall adopt rules, pursuant to RSA 541-A, relative to the operation of the multiple DWI offender intervention detention center program with respect to:

(a) Program curriculum and content.

(b) The fee to be paid by each client as provided in paragraph II and in RSA 265:82-

b. Such fees shall be sufficient to make the program self-supporting, exclusive of start-up costs.

(c) Bed availability schedules.

(d) Any other matter related to the proper administration of this section.

3 Penalties for Intoxicated or Under Influence of Drugs Offenses. RSA 265:82-b is repealed and reenacted to read as follows:

265:82-b Penalties for Intoxication or Under Influence of Drugs Offenses.

I. Except as otherwise provided in this section:

(a) Any person who is convicted of any offense under RSA 215-A:11, I, or RSA 265:82 shall be:

(1) Guilty of a violation;

(2) Fined not less than \$350; and

(3) The person's driver's license shall be revoked for not less than 90 days and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years.

(b) Any person who is convicted of any aggravated DWI offense under RSA 215-A:11, II, or RSA 265:82-a, except as provided in subparagraph (c), shall be:

(1) Guilty of a misdemeanor;

(2) Fined not less than \$500; and

(3) The person's driver's license shall be revoked for not less than 1 year and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years.

(c) Any person who is convicted of aggravated DWI under RSA 215-A:11, II(a)(1) or II(b)(1), or RSA 265:82-a, I(b) or II(b), shall be:

(1) Guilty of a class B felony;

(2) Fined not less than \$1,000; and

(3) The person's driver's license shall be revoked for not less than 1 year and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years.

II. Upon conviction of any offense under RSA 215-A:11, RSA 265:82, RSA 265:82-a or RSA 630:3, II, based on a complaint which alleged that the person has had one or more prior convictions under RSA 215-A:11, RSA 265:82, RSA 265:82-a or RSA 630:3, II, or under similar provisions in an out-of-state jurisdiction, within 7 years preceding the date of the second or subsequent offense, the person shall be subject to the following penalties in addition to those provided in paragraph I:

(a) For a second offense:

(1) The person shall be guilty of a misdemeanor;

(2) The person shall be fined not less than \$500;

(3) The person shall be sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive 24-hour periods shall be served at the state operated multiple DWI offender intervention detention center established under RSA 172-B:2-b within 21 days after conviction or at the end of the defendant's appeals period, except that in circumstances where the multiple DWI offender intervention detention center has no available space the person shall be assigned the first available space;

(4) The person's driver's license shall be revoked for not less than 3 years.

(5) The person shall pay a fee to the director of the office of alcohol and drug abuse prevention, as required under RSA 172-B:2-b, for the costs of the state operated multiple DWI offender intervention detention center program.

(6) A defendant who fails to complete the program shall be in contempt of court and shall serve a minimum of 30 days in the county correctional facility.

(b) For a third offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraph (a) except that:

(1) The person's driver's license shall be revoked indefinitely and shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the person may petition the court for eligibility to re-apply for a driver's license and the court, for good cause shown, may grant such eligibility subject to such terms and conditions as the court may prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If such petition is granted and the person is otherwise eligible for license restoration, the person may then apply to the director for restoration of driver's license, but the license shall not be restored until the provisions of RSA 263:65-a and all other requirements under law are met.

(2) If the person has completed the multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to imprisonment for a period of not less than 30 consecutive 24-hour periods, and shall complete at the person's own expense a 28-day treatment program before the driver's license may be restored.

(c) For a fourth or subsequent offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person's driver's license shall be revoked indefinitely and the person shall not petition for eligibility to re-apply for a driver's license as provided in subparagraph (b)(1) for at least 7 years.

(d) For a third or subsequent offense when the current offense or any prior offense under this paragraph is negligent homicide under RSA 630:3, II, the person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the

person's driver's license shall be revoked indefinitely and the person shall not petition for eligibility to re-apply for a driver's license as provided in subparagraph (b)(1) for at least 10 years.

III. If any person is convicted of a violation of RSA 215-A:11, RSA 265:82, RSA 265:82-a or RSA 630:3, II, and the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within the 7 year period, the person's driver's license shall be revoked for not less than 180 days nor more than 3 years. The license shall not be restored until the person has successfully completed a 7-day program at the state operated multiple DWI offender intervention program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention, as provided in RSA 172-B:2-b and RSA 263:65-a, at the person's own expense. The court may order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

IV. For the purposes of this section:

(a) "Revocation" or "revoked" means revocation as defined in RSA 259:90 and also includes, if the person is a nonresident, the revocation of the person's privilege as an out-of-state driver to drive on any ways of this state.

(b) "Out-of-state jurisdiction" includes any governmental entity that issues driver's licenses that are valid for operating a motor vehicle on the ways of this state as provided in RSA 263:37, and that has laws relating to driving while intoxicated that are similar to the laws of this state.

V. The state operated multiple DWI offender intervention detention center program shall furnish to the courts and to the division of motor vehicles, department of safety, a report as provided in RSA 172-B:2-b, III, indicating when a person has successfully completed the program. Included in that report shall be any recommendations for further treatment or involvement in Alcoholics Anonymous when appropriate and warranted. The court, upon receipt of such report, may after a hearing order the defendant to follow the treatment recommendations at a court-approved treatment facility.

VI. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation and no portion of any fine imposed under this section shall be suspended or reduced by the court. No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this section shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by RSA title LXII or any other provision of law.

VII. Upon conviction under the provisions of RSA 215-A:11, RSA 265:82, RSA 82-a or RSA 630:3, II, the prosecutor shall present to the court a certified copy of the defendant's record of convictions of motor vehicle offenses under RSA title XXI and similar offenses in out-of-state jurisdictions which are on record at the New Hampshire division of motor vehicles, or a signed statement that the defendant has no such prior convictions of record within the preceding 7 years. Prior to sentencing the court shall note on the complaint the number of prior convictions for drug or alcohol-related motor vehicle offenses, or the absence of any such prior convictions, as shown on such report or statement.

VIII. Any conviction under RSA 215-A:11, RSA 265:82, RSA 265:82-a or RSA 630:3, II shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

IX. Any person convicted of a violation of RSA 215-A:11, RSA 265:82, RSA 265:82-a or RSA 630:3, II and who at the time of driving a vehicle or off highway recreational vehicle was transporting a person under the age of 16 shall have his driver's license or privilege to drive revoked for the maximum time period under the section violated and the person's license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the state operated multiple DWI offender program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention at the person's own expense.

X. If a person has been convicted of any first offense violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, any subsequent conviction under any of these sections shall constitute a second offense for the purposes of imposing penalties for second offense violations under RSA 265:82-b.

4 Negligent Homicide; Driving License Revocation Added. Amend RSA 630:3, II to read as follows:

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 270:48, II, he causes the death of another. *In addition to any other penalty imposed, the convicted person shall be subject to the same revocation of driver's license or privilege to drive as a person convicted of a violation of RSA 265:82-a, I(b) or II(b), as provided in RSA 265:82-b.*

5 Reference Changes.

I. Amend RSA 263:65-a, IV(b) by replacing "RSA 265:82-b, I(b)(2)" with "RSA 172-B:2-b, III and RSA 265:82-b, V".

II. Amend RSA 172-B:2-c by replacing "RSA 265:82-b, I(b)(2)" with "RSA 265:82-b".

6 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill increases penalties for a person convicted of DWI-related offenses and reorganizes the DWI statutes.

Adopted.

Report adopted and ordered to third reading.

SB 663, relative to wiretapping. REFER FOR INTERIM STUDY

Rep. Donna P. Sytek for Corrections and Criminal Justice: The issue of wiretaps is always controversial, and this bill was no exception. As it came to us from the Senate, the bill would have allowed a person who was a victim of domestic violence, stalking, or sexual harassment to tape record a conversation with the perpetrator without notification. Some members had reservations about allowing this limited exception to the current law which requires all parties to a conversation to consent to recording. The committee would like time to study the bill in order to find language narrow enough to prevent abuse but adequate to do the job. Other issues that need attention in the same chapter include the use of cordless phones and other technological advances that make portions of current law obsolete, procedures for allowing the use of listening devices in hostage situations, and conflicting penalty provisions. Vote 10-2.

Adopted.

SB 591, relative to the aerial application of pesticides. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory L. Hanselman for Environment and Agriculture: This legislation ensures that all state residents in rural as well as residential zones shall be notified in advance of aerial spraying of pesticides. As amended, the bill was supported by representatives of the forestry and pesticides manufacturing industry, as well as the environmental lobby. Vote 14-1.

Amendment (6211B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to notification of aerial pesticide application.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Notification of Aerial Pesticide Application. Amend RSA 430 by inserting after section 34 the following new section:

430:34-a Notification of Aerial Pesticide Application.

I. No person shall make an aerial application of pesticides without prior written approval from the division. The approval process shall be governed by rules adopted by the board pursuant to RSA 430:31, IV(b).

II. If the proposed treatment area is in a residential area, or if residential, commercial, or institutional buildings are located within 200 feet of the proposed treatment area, a written

notice of all aerial pesticide applications shall be submitted in person to all persons owning property and other persons using commercial, institutional or residential buildings within the treatment area or 200 feet of the intended treatment area at least 14 days but not more than 60 days before the commencement of the intended spray applications. The notice shall contain the following information:

(a) Description of the treatment area sufficient to inform people who may be in the vicinity.

(b) Name of the person who contracts for the applications or such person's representative of the applicator and the address and telephone number to contact for more specific information about the intended application.

(c) Intended purpose of the pesticide application.

(d) Pesticides to be used.

(e) Date or reasonable range of dates on which applications are proposed to take place.

(f) Telephone number of the New Hampshire department of agriculture, division of pesticide control.

(g) Telephone number of the New Hampshire Poison Control Center.

(h) Public precautions which appear on the pesticide label.

III. For absentee property owners notice by certified mail, return receipt requested, to the address listed in the town tax record shall be sufficient notice.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a notification procedure to be followed prior to the application of aerial pesticides.

Adopted.

Report adopted and ordered to third reading.

SB 33, relative to licensing of certified public accountants. **INEXPEDIENT TO LEGISLATE**
Rep. Paul R. Fillion for Executive Departments and Administration: This bill and HB 1194 each deal with the licensing of certified public accountants. The primary difference is that SB 33 removes from the accountancy board rule-making authority under RSA 541-A. This committee considers it important not to impose that restriction upon the accountancy board.
Vote 11-1.

Adopted.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration without the proper notice of **SB 733**, requiring certification of athletic trainers, including fees for certification.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

SB 733, requiring certification of athletic trainers, including fees for certification. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald O. Gosselin for Executive Departments and Administration: Various proposals have come before the committee over several years to recognize sports medicine as practiced by athletic trainers and we recommend this amended bill which addresses all our concerns. We have added a public member and a school board member to insure their concerns will be addressed in any and all proposed rules. Vote 12-0.

Amendment (6179B)

Amend RSA 326-G:4, I as inserted by section 2 of the bill by replacing it with the following:

I. There is established an advisory committee on athletic trainers which shall serve to advise the board. The committee shall be appointed by the board and shall be comprised of the following 5 members, all of whom shall be residents of this state:

(a) One physician educated in the current practice of sports medicine.

(b) Two certified athletic trainers, who have been actively engaged in the practice of athletic training in this state for at least 36 months.

(c) One member who is a current school board member.

(d) One public member who is not and never was a member of the athletic training profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in the provision of athletic training services or an activity directly related to athletic training, including the representation of the committee, the board, or the profession for a fee at any time during the 5 years preceding appointment.

Amend the bill by replacing all after section 2 with the following:

3 Initial Appointments. The initial appointments to the advisory committee on athletic trainers established in RSA 326-G:4 shall serve initial terms as follows: one initial appointee who is a practicing athletic trainer shall serve a term of one year, one initial appointee who is a practicing athletic trainer shall serve terms of 2 years, one initial appointee who is the school board member shall serve a term of 2 years, and the remaining 2 initial appointees shall serve terms of 3 years. Initial appointment terms shall be not considered full terms for the purposes of the limitations of terms in RSA 326-G:4, II.

4 Effective Date. This act shall take effect January 1, 1995.

Adopted.

On a division vote, 236 members having voted in the affirmative and 42 in the negative, the amended Committee report was adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration without the proper notice of **SB 763**, establishing an executive board for community service.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

SB 763, establishing an executive board for community service. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen W. Ward for Executive Departments and Administration: This bill recognizes a new federal program dealing with volunteer services in the public sector "AmeriCorps." Our amendment rejects the three-year period of the federal funding of this program through a sunset clause that requires the Legislature to re-enact a fund as a state program or this law is repealed. Vote 12-0.

Amendment (6322B)

Amend the bill by replacing all after section 2 with the following:

3 Prospective Repeal. RSA 19-F relative to the New Hampshire executive board for community service, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 30, 1997.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes an executive board for community service. The board may apply to receive funds for community-based AmeriCorps programs and shall provide technical assistance and information to applicants for AmeriCorps funds. The board shall also help develop a 3-year service plan.

This bill prospectively repeals the board on June 30, 1997.

Adopted.

Report adopted and ordered to third reading.

SB 777, establishing a committee to study health care issues in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Health, Human Services and Elderly Affairs: The majority of the committee felt it would be repetitive to create yet another study committee on health care

issues. The House has sent SB 789-FN-A-L and SB 779-FN to interim study; both deal with studying health care and creating health care plans. It would be a disservice to those studies to pass this bill, possibly creating a sense that at least part of those studies are unnecessary. Vote 12-7.

Adopted.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration beyond the deadline of **HB 1135**, granting marital masters limited powers to impose penalties for civil contempt.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1135, granting marital masters limited powers to impose penalties for civil contempt. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: The amendment guts the original bill which was referred to the Supreme Court and came back with an opinion that it was unconstitutional as written. The new language expands the scope of the study committee created by Chapter 358:11, Laws of 1993, to include all family matters instead of just divorce and marital matters. Vote 14-0.

Amendment (6218)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a judicial council study of family matters
within the state court system.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Expanded. Amend 1993, 358:11 to read as follows:

358:11 Study of Judicial System With Regard to [Divorces and Marital] *Family* Matters.

I. The [executive director of the] judicial council shall [have conducted] *conduct* a study and review of the judicial system with regard to divorces [and other], marital matters, *and other family matters* within the state of New Hampshire. The study and review shall consist of, but shall not be limited to:

(a) Interviews with judges, clerks of court, marital masters, and members of the public who have been parties to [divorce or other marital cases in] *family matters within* the state court system.

(b) Conducting at least 3 public hearings in different geographic regions of the state.

(c) Whether all family matters within this state should be brought within a single unified jurisdictional system.

(d) *Use of mediation, court diversion, and non-judicial dispute resolution.*

II. The [executive director of the] judicial council shall submit a report on or before January 15, 1995, detailing the findings and any recommendations as a result of the study, to the speaker of the house, the senate president, the chief justice of the supreme court, and the governor.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill expands the judicial council's study of the judicial system with regard to divorces and marital matters to include a study of all family matters within the state court system.

Adopted.

Report adopted and ordered to third reading.

SB 603, relative to the definition and payment of salaried employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill strikes a compromise between New Hampshire businesses and the state Department of Labor in bringing the definition and payment of salaried employees in line with the US Fair Labor Standards Act. It preserves the security a salaried employee now has in regard to payment, while

giving businesses more flexibility to operate their business in a manner more beneficial to themselves and their employees. This bill also allows those receiving draws against commissions, in written agreement with their employers, to carry forward any negative balance in reconciliation. Vote 15-0.

Amendment (6204B)

Amend RSA 275:42, VI as inserted by section 2 of the bill by replacing it with the following:

VI. The term "salaried employee" means any employee who under an employment agreement or as a matter of policy or practice, regularly receives each pay period a predetermined or fixed amount of money constituting compensation, based on a predetermined amount of wages to be paid as determined by a daily rate, a weekly rate, bi-weekly rate, semi-monthly rate or monthly rate, and which amount is not subject to reduction because of variations in the quality or quantity of the work performed and regardless of the hours or days worked except as otherwise provided in RSA 275:43-b.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Weekly Pay; Draw Against Commission Permitted. Amend RSA 275:43 by inserting after paragraph III the following new paragraph:

IV. Nothing in this section shall prevent an employer from compensating an employee on a draw against commission basis as defined in RSA 275:42, VII.

Amend RSA 275:43-b as inserted by section 4 of the bill by replacing it with the following:

275:43-b Payment of Salaried Employees.

I. A salaried employee shall receive full salary for any pay period in which such employee performs any work without regard to the number of days or hours worked, provided, however, a salaried employee may not be paid a full salary in each of the following instances:

(a) Any pay period in which such employee performs no work.

(b) When an employee receives a disciplinary suspension without pay in accordance with the Fair Labor Standards Act, as amended, for any portion of a pay period, and written notification is given to the employee, at least one pay period in advance, in accordance with a written progressive disciplinary policy, plan or practice and the suspension is in full day increments.

(c) If an unpaid leave of absence for a salaried employee is allowed pursuant to a written bona fide plan, policy or practice for absences, of a full day or more, of an employee caused by bereavement leave.

(d) Any portion of a work day or pay period for leave taken under, and in accordance with, the federal Family and Medical Leave Act of 1993, as amended, if written notification from the employer stating the reason for such leave is given to the employee and placed in the employee's personnel file.

(e) If the salaried employee voluntarily, without coercion or pressure, requests time off without pay for any portion of a pay period, after the employee has exhausted any leave time pursuant to a written bona fide leave plan, practice or policy and such leave time requested by the employee is granted by the employer.

II. Employers may prorate salary to a daily basis when a salaried employee is hired after the beginning of a pay period, or terminates of his own accord before the end of a pay period.

III. The employer may offset any amounts received by a salaried employee for jury duty or witness fees or military pay for a particular pay period, against the salary due for that pay period pursuant to a written bona fide leave plan, practice or policy.

Adopted.

Report adopted and ordered to third reading.

SB 805, reorganizing and making further amendments to the administrative procedure act. **UGHT TO PASS WITH AMENDMENT**

Rep. A. Theresa Drabinowicz for Legislative Administration: Senate Bill 805 is the result of a year-long study of the entire rule-making process from which study did result changes to improve the system. Vote 10-0.

Amendment (6187B)

Amend RSA 541-A:2, IV as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Have the authority to amend and provide the final approval of the drafting and procedure manual developed by the director of legislative services and the commissioner of administrative services under RSA 541-A:8.

Amend RSA 541-A:8 as inserted by section 1 of the bill by replacing it with the following:

541-A:8 Drafting and Procedure Manual. Each agency shall conform to a drafting and procedure manual for rules, developed by the director of legislative services and the commissioner of administrative services, subject to amendment and final approval by the committee. The director may require any agency to rewrite any rule submitted for filing to conform to this manual until that rule is adopted and filed under RSA 541-A:14 or RSA 541-A:19.

Amend the bill by replacing section 52 with the following:

52 Application; Uniform System of Numbering and Drafting. Notwithstanding RSA 541-A:8 as inserted by section 1 of this act, the requirements of the uniform system of numbering and drafting provided for in RSA 541-A:3-a, VIII that are in effect on the effective date of this act shall remain in force until the drafting and procedure manual for rules authorized in RSA 541-A:8 as inserted by section 1 of this act is developed by the director of legislative services and the commissioner of administrative services, subject to amendment and final approval by the joint legislative committee on administrative rules.

AMENDED ANALYSIS

This bill repeals and replaces the current administrative procedure act, RSA 541-A, with a renumbered and reorganized version.

In addition to numerous updates in punctuation and drafting style, this bill also makes changes to the provisions of the administrative procedure act which include, but which are not limited to the following:

(1) Adding wording to clarify that alternate members on the joint legislative committee on administrative rules can be designated to sit in the place of any absent member.

(2) Clarifying the procedure for submitting a petition regarding a rule and allowing an agency more time to initiate a rulemaking proceeding in response to a petition granted by an agency.

(3) Allowing the director of legislative services to refuse to publish a rulemaking notice if there is significant noncompliance with the required notice elements.

(4) Granting authority to develop a drafting and procedure manual to the director of legislative services and the commissioner of administrative services, subject to amendment and final approval by the joint legislative committee on administrative rules.

(5) Establishing that the text of a proposed rule cannot be changed until after the conclusion of the public comment period.

(6) Rewriting the procedures for holding public hearings on proposed rules and allowing the continuation, postponement, or a change in the location of a public hearing.

(7) Allowing agencies to solicit public comment in areas of possible rulemaking prior to commencing an official rulemaking process.

(8) Rewriting the requirements for establishing the text of the final proposed rule.

(9) Rewriting the provisions on the effective dates of rules and extending the length of the effective period for rules.

(10) Adding to the duties of the director of legislative services in publishing rules.

(11) Requiring agencies to adopt rules regarding adjudicative hearings and public comment hearings.

(12) Providing that rules cannot go into effect prior to the effective date of the new law, when an agency adopts rules authorized by a new law.

(13) Requiring publication in the rulemaking register of every nonconfidential opinion relative to rulemaking issued by the attorney general.

The bill also changes references to RSA 541-A throughout the statutes in order to make those references conform to the amendments made to RSA 541-A in the bill.

This bill is a result of the findings of the committee to study the rulemaking process established under 1993, 150:2.

Adopted.

Report adopted and ordered to third reading.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration beyond the deadline of **HB 1010-L**, relative to a 10-year transportation plan.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (Cont'd.)

HB 1010-L, relative to a 10-year transportation plan. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works: In February 1994, the Governor submitted his 10-year highway and bridge program to the legislature as required by Chapter 381, 1991. In keeping with the precedent set in 1986, Chapter 203 (House Bill 509), portions of that plan have been incorporated into proposed legislation. The Committee amendment to HB 1010 contains the listing by fiscal year of projects in nine categories, namely: interstate, national highway system, bridge replacement on-system, bridge replacement off-system (state), safety projects, any area projects, non-urban areas, state projects urban areas less than 200,000, and turnpikes, and repeals the project listing in Chapter 203, 1986 (HB 509). Some concerns have been raised because the committee amendment does not include some categories, such as bridge replacement off-system (municipal), which were in the original bill, giving the appearance that these projects may be in jeopardy. Nothing could be further from the truth. The Governor's 10-year plan (salmon cover book) is the "bible" for all recognized projects including their projected costs. HB 1010 simply does not include projects contingent upon the availability of municipal/local funding. The committee also wishes to emphasize that no projects have been added to the Governor's plan and begs the house to keep this bill "clean." Vote 12-1.

Amendment (6023B)

Amend the bill by replacing all after the enacting clause with the following:

240:1 Legislative Intent. This plan is predicated on the report submitted to the legislature by the Governor dated January, 1994 and is intended to serve as the guideline for transportation projects in the state for the next decade.

240:2 Interstate Maintenance. Interstate maintenance projects shall be as follows:

ROUTE/STREET	LOCATION/NUMBER	DESCRIPTION
I. In federal fiscal year 1994:		
(a) I-89	Concord 11250E	Carpool Park'n'Ride, Clinton St. interchange.
(b) I-93	New Hampton-Ashland 11452	Rehabilitate pavement, exit 23 to exit 24.
(c) Various	Statewide 10586	Pavement Markings.
(d) I-93	Windham 11280	Rehabilitate weigh stations.
II. In federal fiscal year 1995:		
(a) I-93	Concord P4191	Replace bridge over Manchester St.
(b) I-89	Enfield 10084	Rehabilitate exit 15 to exit 16.
(c) I-293	Manchester-Bedford P1667G	I-293/NH 101 landscaping.
(d) Various	Statewide 10587	Pavement markings.
III. In federal fiscal year 1996:		
(a) I-93	Concord 11449-A	Rehabilitate exit 16 southerly 0.4 miles.
(b) I-89	Lebanon 11699	Reconstruct exit 18 inter- change and bridges, including approaches on NH 120.

(c) Various	Statewide	Pavement markings.
(d) I-93	Tilton 11708	Exit 20, reconstruct bridge and interchange, including work on NH 132 and NH 140 intersections.
IV. In federal fiscal year 1997:		
(a) I-293	Manchester	Rehabilitate, I-93 west to the Merrimack River.
(b) I-93	Manchester	Resurface and safety improvements from NH 101 northerly to the Merrimack River.
(c) I-95	Seabrook 11055	Improve and modernize northbound rest area to include building expansion, add parking and sewer hookup.
(d) Various	Statewide	Pavement markings.
V. In federal fiscal year 1998:		
(a) I-89	Lebanon 11700	Reconstruct exit 20 interchange and bridges, including approaches on NH 12A.
(b) I-293	Manchester	Rehabilitate I-93 west to the Merrimack River.
(c) Various	Statewide	Pavement markings.
VI. In federal fiscal year 1999:		
(a) I-93	Salem 10418	Mass. state line to exit 2.
(b) I-93	Sanbornton-New Hampton 11451	Rehabilitate exit 22 to exit 23, 1 bridge and 8.0 miles of pavement.
(c) Various	Statewide	Pavement markings.
VII. In federal fiscal year 2000:		
(a) I-93	Salem 10418	Mass. state line to exit 2.
(b) Various	Statewide	Pavement markings.
VIII. In federal fiscal year 2001:		
(a) I-93	Salem 10418	Mass. state line to exit 2.
(b) I-93	Salem-Londonderry 10418-A	Exit 2 to exit 4.
(c) Various	Statewide	Pavement markings.
IX. In federal fiscal year 2002:		
(a) I-93	Salem-Londonderry 10418-A	Exit 2 to exit 4.
(b) Various	Statewide	Pavement markings.
X. In federal fiscal year 2003:		
(a) I-93	Londonderry-Manchester 10418-B	Exit 4 to I-293.
(b) I-93	Salem-Londonderry 10418-A	Exit 2 to exit 4.
(c) Various	Statewide	Pavement markings.
XI. In future federal fiscal years:		
(a) I-93	Londonderry-Manchester 10418-B	Exit 4 to I-293.

240:3 National Highway System. National highway system projects shall be as follows:

ROUTE/STREET	LOCATION/NUMBER	DESCRIPTION
I. In federal fiscal year 1994:		
(a) NH 101	Brentwood 11533-B	Relocate and widen NH 101, modify North Rd./NH 101 bridge.
(b) NH 106	Concord-Laconia 10672	From I-393 northerly to the Laconia bypass (acquire right-of-way and safety improvements).
(c) NH 101	Epping 10074-E	Reconstruction and major widening eastbound barrel Raymond-Martin Rd. Beede Hill Rd. bridge/NH 101.
(d) NH 101	Epping	Martin Rd. over NH 101. 10074-G
(e) NH 101	Epping-Brentwood 10074-F	Reconstruction and major widening westbound barrel Martin Rd.- Brentwood.
(f) NH 101	Epping-Hampton 11324-A	NH 101/51, preparation of environmental impact statement-4 lane long range monitoring.
(g) NH 101	Exeter 10423-B	Guinea Rd. and bridge over NH 101.
(h) NH 101	Exeter-Stratham 10422-I	Eastbound bridge over Squamscott.
(i) NH 51	Hampton 10423-D	NH 51, widen NH 101 to I-95, westbound bridge, NH 51/I-95.
(j) NH 101	Hampton 10423-C	Towle Farm Rd. and bridge over NH 101.
(k) Various	Statewide 10591	Pavement markings.
(l) NH 101	Stratham-Exeter 10421	Reconstruction - NH 101 Preliminary engineering and right-of-way, NH 51 interchange.
II. In federal fiscal year 1995:		
(a) NH 101	Brentwood-Exeter 11533-A	Pine Rd. and bridge over Little River, also NH 101 eastbound bridge.
(b) NH 106	Concord-Laconia 10672	From I-393 northerly to the Laconia bypass (acquire right-of-way and safety improvements).
(c) NH 101	Exeter 10421-A	Reconstruction - NH 101 bridges 101 westbound over NH 108.
(d) NH 101	Exeter 11533-F	Relocation of NH 27 - NH 51 and Watson Rd. relocation, bridge over bloody bank; conner farm access.
(e) NH 101	Exeter 11533-H	Westbound and eastbound bridge over Little River east of Pine Rd.

(f) NH 51	Exeter-Hampton 10423-E	Westbound NH 101 from east of NH 88 to west of I-95.
(g) NH 51	Hampton 10423-I	NH 51, widen NH 101 to I-95, rehabilitate bridge NH 27 over NH 51, NH 51 ramp work.
(h) NH 101	Hampton 10423-J	Westbound NH 101 from west of I-95 to end work on NH 51.
(i) Various	Statewide 10592	Pavement markings.
III. In federal fiscal year 1996:		
(a) NH 101	Brentwood 11533-D	Relocate and widen NH 101, relocate North Rd. to Pine Rd.
(b) NH 101	Brentwood-Exeter 11533-E Epping Rd.	Relocate and widen NH 101, relocate Pine Rd. to
(c) NH 106	Concord-Laconia 10672 right-of-way and safety improvements).	From I-393 northerly to the Laconia bypass (acquire
(d) NH 101	Epping-Hampton 11324-B	Mitigation site northern gravel pit phase II.
(e) NH 101	Epping-Hampton 11324-B	Mitigation site northern gravel pit phase I.
(f) NH 101	Exeter 11533-C	Relocate and widen NH 101, new bridge Epping RD/NH 101.
(g) NH 101	Exeter-Stratham 10422-E	Rehabilitate eastbound with railroad bridge overlay westbound.
(h) NH 9	Hillsborough 10440	Construction of a bypass around Hillsborough.
(i) Various	Statewide	Pavement markings.
IV. In federal fiscal year 1997:		
(a) NH 11	Claremont-Newport 10433	Reconstruct from urban compact line to the Kelleyville bridge.
(b) NH 106	Concord-Laconia 10672	From I-393 northerly to the Laconia bypass (acquire right-of-way and safety improvements).
(c) NH 101	Epping 10074-I	Rehabilitate existing NH 101 for new eastbound (east of Raymond town line).
(d) NH 101	Epping 10074-K	Reconstruction and major widening new bridge - NH 101/NH 125 eastbound.
(e) NH 9	Hillsborough 10440	Construction of a bypass around Hillsborough.
(f) US 3	Meredith 11386	Reconstruct from Parade Rd. northerly of the intersection of US 3 and NH 25.
(g) Various	Statewide	Pavement markings.

(h) NH 101	Stratham-Exeter 10421-B	Reconstruction - NH 101 NH 101 westbound from NH 108 to NH 88.
V. In federal fiscal year 1998:		
(a) US 302	Bath-Lisbon 10425	Reconstruction from NH 112 north 8.89 miles. to Lisbon (right-of-way).
(b) NH 101	Brentwood-Exeter 11533-I	Signing, paving and striping.
(c) NH 106	Concord-Laconia 10672	From I-393 northerly to the Laconia bypass (acquire right-of-way and safety improvements).
(d) NH 101	Epping-Brentwood 10074-H	Reconstruction and major widening, reconstruct Martin Rd.- Brentwood town line.
(e) NH 101	Epping-Brentwood 10074-L	Final paving, signing painting and detour removal.
(f) NH 51	Exeter 10423-F NH 51/NH 111.	NH 51, widen NH 101 to I-95 rehabilitate eastbound bridge
(g) NH 101	Exeter 11533-G	Epping Rd. interchange and eastbound and westbound mainline.
(h) Various	Statewide	Pavement markings.
(i) NH 101	Stratham 10421-C	Reconstruction - NH 101, construction eastbound bridge over NH 108.
(j) NH 12	Troy-Marlborough 10434	Route 12 bypass of Troy Village.
VI. In federal fiscal year 1999:		
(a) NH 16	Conway 11339	Reconstruct to relieve traffic from NH 112 to lower Bartlett.
(b) NH 51 10423-G	Exeter-Hampton	Widen NH 101 to I-95 rehabilitate eastbound NH 51 (NH 88-Towle Farm).
(c) NH 51	Exeter-Hampton 10423-K	Eastbound and westbound final wearing, striping, signing and guardrail alterations, detour removal.
(d) NH 51	Hampton 10423-H	Widen NH 101 to I-95 reconstruct eastbound bridge.
(e) Various	Statewide	Pavement markings.
(f) NH 101	Stratham-Exeter 10421-D	Reconstruct eastbound from NH 108-NH 88, NH 108 exit ramps.
(g) NH 101	Stratham-Exeter 10421-E	Final wearing course striping, signing from west of NH 108 thru Exeter interchange.
VII. In federal fiscal year 2000:		
(a) NH 16	Albany 10437	Reconstruct from just north of Madison town line south 3.79 miles.

(b) NH 101	Keene	Design and construct road segments and intersections along NH 9, 10, 12, and 101.
(c) NH 16	Ossipee 10431	Reconstruct from NH 28 North of NH 16 3.36 miles.
(d) Various	Statewide	Pavement markings.
VIII. In federal fiscal year 2001:		
(a) US 302	Bath-Lisbon 10425	Reconstruct from NH 112 north 8.89 miles to Lisbon.
(b) Various	Statewide	Pavement markings.
IX. In federal fiscal year 2002:		
(a) NH 101-A	Milford-Nashua 10136	Construct new road from the Milford bypass easterly to the Everett Tpk.
(b) Various	Statewide	Pavement Markings.
X. In federal fiscal year 2003:		
(a) NH 101-A	Milford-Nashua 10136	Construct new road from the Milford bypass easterly to the Everett Tpk.
(b) Various	Statewide	Pavement Markings.
240:4 Bridge Replacement On-System. Bridge replacement on-system projects shall be as follows:		
ROUTE/STREET	LOCATION/NUMBER	DESCRIPTION
I. In federal fiscal year 1994:		
(a) US 3	Northumberland P4378	Replace bridge on US 3 over Ammonoosuc River (Bridge No. 106/112).
II. In federal fiscal year 1995:		
(a) NH 11	Andover P4383	Replace bridge on NH 11 over the B&M RR (Bridge No. 159/1100).
(b) US 302	Bartlett P4370	Replace bridge on US 302 over the Ellis River (Bridge No. 208/150).
(c) NH 135	Bath-Haverhill 10340	Relocate roadway around covered bridge.
(d) NH 104	Bristol P4365	Replace bridge on NH 104 over the Newfound River (Bridge No. 103/062).
(e) NH 12	Claremont 10655	Replace bridge on NH 12 over Redwater Brook (Bridge No. 106/120).
(f) US 4	Epsom 10657	Rehabilitate US 4/Suncook River and replace US 4/ Suncook overflow (Bridge Nos. 086/127, 088/126).
(g) NH 26	Errol 10659	Replace bridge on NH 26 over Androscoggin River (Bridge No. 114/119).
(h) US 302	Landaff P4357	Replace bridge on US 302 over B&M RR (Bridge No. 075/177).
(i) US 3	Pittsburg 11382	Replace bridge on US 3 over Perry Stream (Bridge No. 130/059).

III. In federal fiscal year 1996:

(a) NH 3A	Bristol P4380	Replace bridge on NH 3A over the Newfound River (Bridge No. 097/075).
(b) US 4	Danbury P4363	Replace bridge on US 4 over Smith River (Bridge No. 138/094).
(c) NH 16	Errol 10658	Replace bridge on NH 16 over Clear Stream (Bridge No. 105/120).
(d) NH 25	Haverhill 10660	Replace bridge on NH 25 over North Branch (Bridge No. 074/051).
(e) NH 25	Haverhill 10661	Replace bridge on NH 25 over Oliverian Brook (Bridge No. 072/061).
(f) NH 25	Haverhill 10662	Replace bridge on NH 25 over Oliverian Brook (Bridge No. 056/102).
(g) NH 11	Newport 10664	Replace bridge on NH 11 over B&M RR, Sugar River (Bridge No. 085/101).

IV. In federal fiscal year 1997:

(a) US 4	Dover 11657	Replace bridge on US 4 over the Bellamy River (Bridge No. 174/034).
(b) NH 114	Henniker 10671	Replace bridge on NH 114 over Contoocook River (Bridge No. 120/112).
(c) NH 108	Newfields-Stratham P4386	Replace bridge on NH 108 over Squamscott River (Bridge No. 132/066).
(d) NH 9	Stoddard 10666	Replace bridge on NH 9 over Branch River (Bridge No. 182/106).

V. In federal fiscal year 1998:

(a) NH 16	Albany	Replace bridge on NH 16 over the Chocorua River (Bridge No. 179/056).
(b) NH 9	Chesterfield	Replace Chesterfield Bridge over the Connecticut River (Dublin replacement project).
(c) NH 119	Hinsdale	Replace bridge on NH 119 over Connecticut River (Bridge Nos. 041/040, 042/044).

VI. In federal fiscal year 1999:

(a) NH 11	Andover 10654	Replace bridge on NH 11 over the B&M RR (Bridge No. 206/137).
(b) Kingston Rd.	Plaistow 10005	Replace bridge on Kingston Rd. over B&M RR (Bridge No. 137/115).
(c) NH 121	Plaistow	Replace bridge on NH 121 over Little River and B&M RR (Bridge no. 105/028).

VII. In federal fiscal year 2000:

- | | | |
|-----------|-------------------|--|
| (a) NH 26 | Colebrook | Rehabilitate bridge on NH 26 over Balsam Pond outlet (Bridge No. 202/059). |
| (b) NH 26 | Colebrook | Rehabilitate bridge on NH 26 over the Mohawk River (Bridge No. 201/062). |
| (c) NH 25 | Effingham-Freedom | Replace bridge on NH 25 over Ossipee River (Bridge No. 136/183). |
| (d) NH 10 | Gilsum | Replace bridge on NH 10 over Ashuelot River (Bridge No. 092/121). |
| (e) NH 28 | Wolfeboro | Replace bridge on NH 28 over Smith River (Bridge No. 112/110). |

VIII. In federal fiscal year 2001:

- | | | |
|--------------|-----------------------|---|
| (a) NH 26 | Colebrook | Replace bridge on NH 26 over the Mohawk River (Bridge No. 147/068). |
| (b) US 302 | Haverhill-Newbury, VT | Replace bridge on US 302 over Connecticut River (Bridge No. 219/178). |
| (c) NH 175-A | Plymouth-Holderness | Replace bridge on NH 175-A over the Pemigewassett River (Bridge No. 046/139). |

IX. In federal fiscal year 2002:

- | | | |
|------------|--------------|---|
| (a) US 3 | Allentown | Replace bridge over road and Suncook River (Bridge No. 069/056). |
| (b) US 302 | Bartlett | Replace bridge over Maine Central RR (Bridge No. 188/123) and over Saco River (Bridge No. 189/129). |
| (c) NH 155 | Madbury | Replace bridge over B&M RR (Bridge No. 114/084). |
| (d) NH 25 | Warren 11847 | Replace bridge over Baker River. |

X. In future federal fiscal years:

- | | | |
|--------------------|------------|---|
| (a) US 4 | Boscawen | Rehabilitate bridge over Merrimack River (Bridge No. 142/038). |
| (b) US 1
bypass | Portsmouth | Rehabilitate bridge no. 183/087, NH 101 over US 1 bypass. |
| (c) US 1
bypass | Portsmouth | Rehabilitate bridge no. 188/097, Islington St. over US 1 bypass. |
| (d) US 1
bypass | Portsmouth | Rehabilitate bridge no. 211/114, Stark St. over US 1 bypass. |
| (e) US 1
bypass | Portsmouth | Rehabilitate bridge no. 227/112, Maplewood Ave. over US 1 bypass. |

(f) US 1 bypass	Portsmouth	Rehabilitate bridge no. 173/071, US 1 southbound over US 1 bypass.
(g) NH 1A	Rye	Replace bridge over Seaveys Creek (Bridge No. 252/156).

240:5 Bridge Replacement Off-System (State). Bridge replacement off-system (state) projects shall be as follows:

ROUTE/STREET	LOCATION/NUMBER	DESCRIPTION
I. In federal fiscal year 1995:		
(a) Lover's Lane	Charlestown S4369	Replace bridge on Lover's Lane over B&M RR (Bridge No. 135/059).
(b) Gilman Rd	Dalton, NH- Lunenburg, VT S4356	Replace bridge on Gilman Rd. over the Connecticut River (Bridge No. 090/130).
II. In federal fiscal year 1996:		
(a) Barnet Rd.	Monroe, NH- Barnet, VT 10648	Rehabilitate bridge on Barnet Rd. over Connecticut River (Bridge No. 110/125).
(b) Packers Falls	Newmarket 10651	Replace bridge on Packers Falls Rd. over Piscassis River (Bridge No. 112/098).
III. In federal fiscal year 1997:		
(a) NH 101	Portsmouth 10665	Replace bridge on NH 101 over B&M RR (Bridge No. 154/101).
IV. In federal fiscal year 1998:		
(a) NH 12-A	Charlestown	State-owned bridge replacement over Central Vermont RR (Bridge No. 076/090).
V. In federal fiscal year 1999:		
(a) South St.	Enfield 10652	Replace bridge on South St. over Mascoma River (Bridge No. 083/156).
VI. In federal fiscal year 2000:		
(a) So. Main St.	Enfield	Replace bridge over Mascoma Lake (Bridge No. 077/139).
VII. In federal fiscal year 2001:		
(a) NH 145	Clarksville	Replace bridge over Connecticut River (Bridge No. 090/120).
VIII. In federal fiscal year 2002:		
(a) Main St.	Pembroke	Replace bridge over Suncook River (Bridge No. 203/088).
IX. In federal fiscal year 2003:		
(a) NH 87	Epping	Rehabilitate bridge over Lamprey River (Bridge No. 151/069).

240:6 Safety Projects. Safety projects shall be as follows:

ROUTE/STREET	LOCATION/NUMBER	DESCRIPTION
I. In federal fiscal year 1994:		
(a) NH 101	Bedford 11005	Reconstruct intersection at NH 101 at Wallace Rd.

(b) US 3	Hooksett 11007	Reconstruct intersection at US 3 and Benton Rd.
(c) US 4	Nottingham 11144	Safety improvements, intersection of Hall Rd.
II. In federal fiscal year 1995:		
(a) US 4	Epsom 10429	Safety improvements, westbound truck lane.
(b) NH 3A	Litchfield 10946	Reconstruct intersection at NH 3A and Pinecrest Rd.
III. In federal fiscal year 1996:		
(a) US 4	Epsom 11141	Safety improvements, intersection of Goboro Rd.
IV. In federal fiscal year 1997:		
(a) US 4	Epsom 11142	Safety improvements, intersection Blackhall Rd.
V. In federal fiscal year 1998:		
(a) US 4	Northwood 10429-D	Safety improvements, intersection US 202/NH 43.
VI. In federal fiscal year 2000:		
(a) US 4	Northwood 11143	Safety improvements, intersection Bow Lake Rd.
VII. In federal fiscal year 2001:		
(a) US 4	Northwood-Nottingham 10429-E	Safety improvements, intersection with NH 152.
VIII. In federal fiscal year 2002:		
(a) US 4	Nottingham 11140	Safety improvements, eastbound passing lane.
240:7 Any Area Projects. Any area projects shall be as follows:		
ROUTE/STREET	LOCATION/NUMBER	DESCRIPTION
I. In federal fiscal year 1994:		
(a) Various	Statewide	\$7,000,000 of funds used on national highway system projects.
(b) Various	Statewide	Pavement markings, safety.
(c) Various	Statewide	Pavement resurfacing and Rehabilitation
(d) Dist. 1, 2 & 3	Statewide ADA 11740	Various locations in districts 1, 2 and 3 crosswalks, curbcuts/ramp and sidewalk reconstruction: Americans with Disabilities Act compliance.
(e) Dist. 2 & 4	Statewide ADA 11738	Various locations in districts 2 and 4 crosswalks, curbcuts/ramp and sidewalk reconstruction: Americans with Disabilities Act compliance.
(f) Dist 2, 3 & 5	Statewide ADA 11739	Various locations in Districts 2, 3 & 5 Crosswalks, curbcuts/ramp and Sidewalk reconstruction: Americans with Disabilities Act compliance.
II. In federal fiscal year 1995:		
(a) Various	Statewide 10597	Pavement markings.

(b) Various	Statewide	\$7,000,000 of funds used on national highway system projects.
(c) Various	Statewide	Pavement resurfacing and rehabilitation.
III. In federal fiscal year 1996:		
(a) Various	Statewide	Pavement markings.
(b) Various	Statewide	\$7,000,000 of funds used on national highway system projects.
(c) Various	Statewide	Pavement resurfacing and rehabilitation.
IV. In federal fiscal year 1997:		
(a) Various	Statewide	Pavement markings.
(b) Various	Statewide	\$7,000,000 of funds used on national highway system projects.
(c) Various	Statewide	Pavement resurfacing and rehabilitation.
V. In federal fiscal year 1998:		
(a) Various	Statewide	Pavement markings.
(b) Various	Statewide	\$7,000,000 of funds used on national highway system projects.
(c) Various	Statewide	Pavement resurfacing and rehabilitation.
VI. In federal fiscal year 1999:		
(a) NH 26	Colebrook P2493-C	Reconstruct from 3 miles west of Dixville town line easterly 2.5 miles.
(b) Various	Statewide	Pavement markings.
(c) Various	Statewide	Pavement resurfacing and rehabilitation.
VII. In federal fiscal year 2000:		
(a) NH 16	Gorham 10438	Reconstruct from just north of Martins location north 1.1 miles.
(b) NH 9	Roxbury-Sullivan 10439	Reconstruct from east Sullivan south 2.04 miles.
(c) Various	Statewide	Pavement markings.
(d) Various	Statewide	Pavement resurfacing rehabilitation.
VIII. In federal fiscal year 2001:		
(a) US 302	Haverhill 10436	Reconstruct from NH 10 north approx. 1 miles (replace project for reconstruction - Vermont state line to NH 10).
(b) Various	Statewide	Pavement markings.
(c) Various	Statewide	Pavement resurfacing and rehabilitation.
IX. In federal fiscal year 2002:		
(a) NH 125	Kingston	Reconstruct NH 125 from Westville bridge in Plaistow northerly 5.0 mile to Kingston.
(b) Various	Statewide	Pavement markings.

(c) Various	Statewide	Pavement resurfacing and rehabilitation.
X. In federal fiscal year 2003:		
(a) NH 125	Kingston	Reconstruct NH 125 from Westville bridge in Plaistow northerly, 5.0 mile to Kingston.
(b) Various	Statewide	Pavement markings.
(c) Various	Statewide	Pavement resurfacing and rehabilitation.
XI. In future federal fiscal years:		
(a) NH 11	Alton-Gilford 10606	Reconstruct NH 11 beginning near Ellocoya state park, running, southeast 4.75 miles to Minge Brook.
(b) NH 111	Windham-Salem 10075	NH 111 bypass around Shadow Lake.
240:8 Non-Urban Areas. Non-urban areas projects shall be as follows:		
ROUTE/STREET	LOCATION/NUMBER	DESCRIPTION
I. In federal fiscal year 1994:		
(a) Various	Statewide	\$2,500,000 of funds used on national highway system projects.
(b) NH 112	Woodstock 10052	Reconstruction from Lost River northerly to the 1961 project S-4294.
II. In federal fiscal year 1995:		
(a) Various	Statewide	\$4,000,000 of funds used on national highway system projects.
III. In federal fiscal year 1996:		
(a) Various	Statewide	\$4,000,000 of funds used on national highway system projects.
IV. In federal fiscal year 1997:		
(a) Various	Statewide	\$4,000,000 of funds used on national highway system projects.
V. In federal fiscal year 1998:		
(a) Various	Statewide	\$4,000,000 of funds used on national highway system projects.
VI. In federal fiscal year 1999:		
(a) NH 124	Greenville-New Ipswich S3168	Reconstruct from Mascenic regional school - 1.4 miles.
(b) US 3	Lancaster 10435	Reconstruct from US 2 south 0.6 miles.
VII. In federal fiscal year 2000:		
(a) US 3	Whitefield P2953	Reconstruct US 3 from Carroll town line northerly 2.1 miles.
VIII. In federal fiscal year 2002:		
(a) NH 25	Meredith 10430	Reconstruct from Center Harbor town line south 3.24 miles on NH 25 to US 3.

IX. In federal fiscal year 2003:

(a) US 1	Seabrook-Portsmouth	Improvements on US 1 at various locations.
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X. In future federal fiscal years:

(a) NH 101	Keene-Dublin 10427	Reconstruct Optical Avenue east 7 miles to Chesham Rd.
(b) US 1	Seabrook-Portsmouth	Improvements on US 1 at various locations, to improve safety.

240:9 State Projects; Urban Areas Less Than 200,000. State projects in urban areas with a population of less than 200,000 shall be as follows:

ROUTE/STREET	LOCATION/NUMBER	DESCRIPTION
I. In federal fiscal year 1994:		
(a) NH 16	Dover 10023-B	Reconstruct Week's traffic circle (Federal aid primary, federal aid urban and turnpike funding).
(b) NH 16	Dover 10023-C	NH 16 reconstruct Week's traffic circle (Federal aid primary, federal aid urban and turnpike funding).
II. In federal fiscal year 1995:		
(a) NH 101-A	Milford-Nashua 10136	New route from Milford by-pass easterly to the Everett Tpk. right-of-way acquisition.
III. In federal fiscal year 1996:		
(a) US 3	Concord C3311	Replace bridge on US 3 over the B&M RR (Bridge No. 181/100).
(b) US 3	Concord C3311	Replace of bridge on US 3 over the Merrimack River (Bridge No. 186/103).
(c) US 1	Portsmouth	Replace bridge US 1/Sagamore Creek.
IV. In federal fiscal year 1997:		
(a) US 3	Concord C3311	Reconstruct US 3 from south end of Black Hill Rd. and running 0.8 to Perley St.
(b) NH 101	Keene 10309	Reconstruct NH 101 from Main St. westerly to NH 12.
V. In federal fiscal year 1998:		
(a) NH 101	Bedford	Relocate NH 101 westbound-on and westbound-off ramps to US 3 via Kilton Rd.
(b) NH 101	Keene 10309	Reconstruct NH 101 from Main St. westerly to NH 12 north.
VI. In federal fiscal year 1999:		
(a) NH 101	Manchester-Auburn	Rehabilitate from I-93 easterly to Severence Brook.
(b) NH 1A	Rye	reconstruct Foyes Corner.
VII. In federal fiscal year 2000:		
(a) Various	Statewide	Construction, reconstruction, rehabilitation.
VIII. In federal fiscal year 2001:		
(a) Various	Statewide	Construction, reconstruction, rehabilitation.

IX. In federal fiscal year 2002:

(a) NH 101-A	Milford-Nashua 10136	Construct new road from the Milford bypass easterly to the Everett Tpk.
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X. In federal fiscal year 2003:

(a) NH 101-A	Milford-Nashua 10136	Construct new road from the Milford bypass easterly to the Everett Tpk.
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240:10 Turnpike. Turnpike projects shall be as follows:

ROUTE/STREET	LOCATION/NUMBER	DESCRIPTION
I. In federal fiscal year 1994:		
(a) NH 3A	Litchfield 10625T	Construct Industrial Dr. off NH 3A.
(b) Everett Tpk.	Manchester	Everett Tpk., bridge rehabilitation and widening northbound and southbound over NH 3A (Bridge Nos. 090/061, 090/062).
(c) Camp Sargent	Merrimack 10103C	Camp Sargent Rd., plant establishment and related Rd. work on 6.1 acres of mitigated wetland.
(d) Everett Tpk.	Nashua 10623-C	Exit 4 topside, East Dunstable Rd., outflow drainage, Salmon Brook box detour, bridges, etc.
(e) Everett Tpk.	Nashua 10623-G	Mitigation site (TSA-1), off East Dunstable in Hale Brook area and Searles and mitigation site.
(f) Everett Tpk.	Nashua 10624-E	Everett Tpk., southbound reconstruct from state line 4300 feet north, including Spit Brook Rd., southbound bridge and ramp (with 10624-I).
(g) Everett Tpk.	Nashua 10624-F	Reconstruct mainline (4200 feet) exit 1 to 3 and bridges, including toll facilities (with 10624-J).
(h) Everett Tpk.	Nashua 10624-I	Tunnel for toll booths (with 10624-E).
(i) Everett Tpk.	Nashua 10624-J	Tunnel for toll booths (with 10624-F).
(j) Everett Tpk.	Nashua 10624-O	Nashua 36 foot sewer interceptor construction project; within limits of 10624-G and RR right-of-way.
(k) Everett Tpk.	Nashua 10624-Q	Exit 2, ramp "H" bridge over "O" ramp.
II. In federal fiscal year 1995:		
(a) Everett Tpk.	Nashua 10623-H	Railroad bridge (was part of Pine Hill Rd. bridge 10623-A).

(b) Everett Tpk.	Nashua 11057-B	Landscaping.
(c) Everett Tpk.	Nashua-Daniel Webster Highway 10624-G	Interchange ramps with circumferential Sagamore Bridge D.W. Hwy. reconstruction.
III. In federal fiscal year 1996:		
(a) Spaulding Tpk.	Dover-Somersworth 10023-C	Reconstruct Week's traffic circle approaches, turnpike portion only.
(b) Everett Tpk.	Merrimack 10103-A	Digital access rd./US 3 signals.
(c) Everett Tpk.	Nashua 10623-F	Exit 6 topside and bridges with detours; including mainline and large drainage facilities.
IV. In federal fiscal year 1997:		
(a) Everett Tpk.	Nashua 10623-I	Mainline, exit 3 to 4, and toward exit 5 including widening bridge/exit 3 southbound off with collector distributor road.
V. In federal fiscal year 1998:		
(a) Everett Tpk.	Nashua 10623-D	Exit 5 topside and bridges with detours.
(b) Everett Tpk.	Nashua 10624-K	Toll administration building and toll booths; southbound and Spit Brook toll.
VI. In federal fiscal year 1999:		
(a) Everett Tpk.	Nashua 10623-E	Exit 7 interchange and mainline.
(b) Everett Tpk.	Nashua 10624-N	Signing, exits 1 and 2 area (to match 10624-G).
(c) Everett Tpk.	Nashua 10624-P	1 inch overlay and final striping, exits 1 and 2 miscellaneous ramps.
(d) Everett Tpk.	Nashua 10703-A	Landscaping exits 1 and 2.
VII. In federal fiscal year 2000:		
(a) Everett Tpk.	Nashua 10623-J	Exit 5 mainline with ramps (Ramps 5A, 5C thru G, 5I).
VIII. In federal fiscal year 2001:		
(a) Spaulding Tpk.	Dover 11429-A	Construction of exit 10.
IX. In federal fiscal year 2002:		
(a) Everett Tpk.	Nashua 10623-K	Resurfacing contract and exit 6 area (mainline).
(b) Everett Tpk.	Nashua 10623-L	Signing exits 3-7, "G" project.
(c) Everett Tpk.	Nashua 10703	Landscaping exits 3-7.
X. In federal fiscal year 2005:		
(a) Circum. Hwy.	Hudson 10625	Construction of south seg- ment of circumferential high- way.

XI. In federal fiscal year 2006:

(a) Spaulding Tpk.	Dover 10619	Expansion of Dover toll facility.
(b) Circum. Hwy.	Nashua - Hudson 10625	Construction of north segment of circumferential highway.

XII. In federal fiscal year 2007:

(a) Everett Tpk.	Bedford - Manchester 10622	Widening from I-293 to Amoskeag interchange, including Granite St. ramps.
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3 Repeal. The following are repealed:

I. 1986, 203:1 relative to the legislative intent of the 10-year highway plan.

II. 1986, 203:2 relative to the 10-year interstate highway construction and reconstruction plan.

III. 1986, 203:3 as amended by 1992, 190:1, relative to the interstate 4R program.

IV. 1986, 203:4 relative to the New Hampshire primary highway program.

V. 1986, 203:4-a as inserted by 1988, 247:1, as amended by 1989, 289:1 and 1993, 222:1, relative to the additions to the 10-year highway program.

4 Effective Date. This act shall take effect 60 days after its passage.

Rep. Cloutier spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 636, relative to the public use of coastal beaches for recreational purposes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Reps. Howard C. Dickinson, Jr., Thomas J. Kirby and Deborah F. Merritt for the Majority of Resources, Recreation and Development: As amended, this bill defines the scope of the public trust and confirms a public easement in the dry sand areas of New Hampshire coastal beaches for recreational use arising from application of the public trust doctrine and long-standing historical usage in New Hampshire. The bill confirms and preserves that beach access which the New Hampshire public has traditionally enjoyed. This measure raises several constitutional questions which presently are in dispute. The Committee has prepared HR 58 to obtain from the New Hampshire Supreme Court an answer to these questions prior to the final passage of this measure. To accomplish this, the bill must be tabled following adoption of the amendment to allow time for Supreme Court review and consideration of the questions raised in HR 58. Vote 14-2.

Rep. Eugene Ritzo and Rep. William H. Nehring for the Minority of Resources, Recreation and Development: It is settled law in New Hampshire that owners of beachfront lots bounded by the Atlantic Ocean own seaward to the mean high-tide line, such line also marking the landward end of State ownership, and that the section of beach extending landward from the mean high-tide line and usually ending at a seawall is privately owned property (such section being the beach area principally affected by SB 636 as amended). The bill, as amended, is predicated on the erroneous legal theory that the public has acquired an easement by prescription in the "vast majority" of the affected privately owned beach area, all up and down New Hampshire's seacoast, by long continued and uninterrupted use of such area alone, without regard to the nature of that use. The testimony received by the Committee generally tended to show that the use made by the public of the implicated beach area was of a permissive nature, tolerated by the affected beachfront owners so long as it was reasonable, and was not a use of a trespassory or adverse nature calculated to put such owners on notice that a right was being claimed. It is axiomatic that at Common Law such a permissive use, no matter how long continued, can never ripen into an easement by prescription. The amended bill also stacks the deck against private owners by creating a presumption of a public easement in their properties, assertable in legal disputes, reversing the Common Law which casts the burden of proof on the party claiming a prescriptive easement. Finally, the public is granted an easement for "recreational purposes" in the affected beach area, such purposes being undefined and unlimited (except as they may be limited by municipal ordinance). Members of the public in unre-

stricted numbers are given the right to come on private property for both individual and organized recreation of any form and nature. However, any right of public use acquired by prescription cannot exceed the scope, magnitude and intensity of the use made of each individual piece of private beach, as these mark the extent of the burden on that property. There are no findings in the bill as amended that the public use has taken on such extensive dimensions with respect to any particular property, let alone the "vast majority" of such beach properties, nor could such findings be made. It is inconceivable that each and every piece of affected beach area could have been burdened to the same extent.

Rep. Ritzo requested a quorum count. The Chair declared a quorum present.

Rep. Ritzo moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Reps. Merritt, Drake, Hart and Dickinson spoke against.

Reps. Nehring, Borsa, Vaughn and Kennedy spoke in favor.

Rep. Kirby spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 59 - NAYS 282

YEAS 59

BELKNAP

Rice, Thomas, Jr.

CARROLL

Lyman, L. Randy

Saunders, Howard

CHESHIRE

Pearson, Gertrude

COOS

None

GRAFTON

Brown, Patricia
White, Paul

Chase, Paul, Jr.

Eaton, Stephanie

Rose, William

HILLSBOROUGH

Arnold, Thomas, Jr.
Daniels, Gary
Holden, Carol
Kurk, Neal
Rothhaus, Finlay
Wright, George

Borsa, Andrew
Dodge, Emma
Holley, Sylvia
Lefebvre, Roland
Upton, Barbara

Calawa, Leon, Jr.
Durham, Susan
Jasper, Shawn
Moncrief, Keith
Weergang, Alida

Daigle, Robert
Greenberg, Gary
Jean, Loren
Riley, Frances
Wells, Peter, Sr.

MERRIMACK

Hess, David
Nichols, Avis

Houlahan, Thomas
Willis, Jack

Kennedy, Richard

Langer, Ray

ROCKINGHAM

Aranda, M. Kathryn
Clark, Vivian
Johnson, Robert
Raynowska, Bernard
Vaughn, Charles

Arndt, Janet
Dowling, Patricia
Klemarczyk, Thaddeus
Ritzo, Eugene
Warburton, Calvin

Battles, Marjorie
Dube, LeRoy
McKinney, Betsy
Rosencrantz, James
Williamson, William

Beaulieu, Jon
Gorman, Donald
Pullman, Robert
Smith, Arthur

STRAFFORD

Callaghan, Frank

Nehring, William

Pageotte, Donald

Torr, Ralph

SULLIVAN

None

NAYS 282 BELKNAP

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hauck, William	Hawkins, Robert	Holbrook, Robert
Johnson, Carl	Laffam, Robert	Rosen, Ralph	Salatiello, Thomas
Smith, Linda	Turner, Robert	Young, Niel	Ziegara, Alice

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Foster, Robert	Mock, Henry	Philbrick, Donald
Wiggin, Gordon			

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
DePecol, Benjamin	Delano, Robert	Foster, Katherine	Hunt, John
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin			

COOS

Bradley, Paula	Burns, Harold	Coulombe, Henry	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Pratt, Leighton

GRAFTON

Bean, Pamela	Brown, Alson	Copenhaver, Marion	Crory, Elizabeth
Gordon, Edward	Ham, Bonnie	Hill, Richard	LaMott, Paul
Larson, Nils, Jr.	McIlwaine, Deborah	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Ahrens, Frederick	Allen, W. Gordon
Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara	Asselin, Robert
Bergeron, Lucien	Bergeron, Normand	Bowers, Dorothy	Buckley, Raymond
Burke, M. Virginia	Cepaitis, Elizabeth	Chabot, Robert	Clemons, Jane
Cowenhoven, Garret	Crotty, Edward	Desrosiers, William	Donovan, Francis
Drabinowicz, A. Theresa	Drolet, Paul	Dyer, Merton	Dykstra, Leona
Emerton, Lawrence, Sr.	Fenton, James	Ferguson, Charles	Fields, Dennis
Foster, Linda	Franks, Suzan	Gage, Ruth	Gervais, Glen
Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty	Hanselman, Gregory
Hart, Nick	Healy, Daniel	Holt, David	Holt, Mark
Hunter, Bruce	Jean, Claudette	Johnson, Lionel	Kelley, Dana
Kelley, Robert	Kirby, Thomas	L'Heureux, Robert	Lachut, Ervin
Laughlin, J. Francis	Leclerc, Charles	Lessard, Rudy	Lown, Elizabeth
Lozeau, Donnalee	McCarty, Winston	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Moore, Elizabeth
Morello, Michael	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Hearn, Jane	O'Rourke, Joanne	Packard, Bonnie	Paquette, Rodolphe
Pepino, Leo	Perkins, Paul	Peters, Stanley	Record, Alice
Reidy, Frank	Rheault, Lillian	Rodgers, G. Philip	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Smart, John	Smith, Leonard
Soucy, Donna	Soucy, Richard	Sullens, Joan	Tate, Joan
Toomey, Kathryn	Turgeon, Roland	Vanderlosk, Stanley	Wheeler, Robert
White, John			

MERRIMACK

Barberia, Richard	Braiterman, Thea	Carter, Susan	Chandler, Earle
Chandler, John	Daneault, Gabriel	Dunn, Miriam	Feuerstein, Martin
Fillion, Paul	French, Barbara	Gilbreth, Robert	Hager, Elizabeth
Hall, Douglas	Holmes, Mary	Johnson, C. William	Kidder, William
Lockwood, Robert	Mitchell, Vernon	Moore, Carol	Newland, Matthew
Owen, Derek	Regan, Maurice	Rogers, Katherine	Shaw, Randall
Stapleton, Henry	Teague, Bert	Trombly, Rick	Wallner, Mary Jane
Ward, Jay	Whalley, Michael	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Bell, Juanita	Blake, Daniel	Boucher, William	Bove, Martin
Case, Margaret	Chester, Sherman	Christie, Andrew, Jr.	Clark, Martha
Coes, Betsy	Conroy, Janet	Cote, Patricia	Crossman, Harold, Jr.
Drake, Herbert	Felch, Charles, Sr.	Fesh, Robert	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis	Hurst, Sharleene
Hutchinson, Karen	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Malcolm, Kenneth
McGovern, Cynthia	Miller, Don	Noyes, Richard	O'Keefe, Patricia
Pantelakos, Laura	Pratt, Katharin	Putnam, Ed, II	Rubin, George
Schanda, Joseph, Sr.	Senter, Merilyn	Skinner, Patricia	Splaine, James
St. Martin, Tommy	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Sytek, Donna	Sytek, John	Welch, David	Weyler, Kenneth
Woods, Deborah	Yennaco, Carol		

STRAFFORD

Brown, George	Brown, Julie	Chagnon, Ronald	Douglass, Clyde
Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia	Hashem, Elaine
Hemon, Roland	Hilliard, Dana	Keans, Sandra	Kincaid, William
Knowles, William	Loder, Suzanne	McCann, William, Jr.	McKinley, Robert
Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Vincent, Francis	Wall, Janet	Wasson, Richard
Wheeler, Katherine			

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Domini, Irene	Flint, Gordon	Holl, Ann	Lindblade, Eric
Palmer, Lorraine	Rodeschin, Beverly	Schotanus, Merle	
Stamatakis, Carol			

and the motion failed.

Amendment (6087B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the public use of coastal beaches.

Amend the bill by replacing section 1 with the following:

1 New Section; Public Use of New Hampshire Coastal Beaches. Amend RSA 483-B by inserting after section 9 the following new section:

483-B:9-a Public Use of Coastal Beaches.

1. It is the purpose of the general court in this section to recognize and confirm the historical practice and common law right of the public to enjoy the existing public easement in the greatest portion of New Hampshire coastal beach land subject to those littoral rights recognized at common law. This easement presently existing over the greater portion of that beachfront property extending from where the "public trust" ends across the commonly used portion of sand and rocks to the intersection of the beach and the high ground, often but not

always delineated by a sea wall, or the line of vegetation, or the seaward face of the foredunes, this being that beach where violent sea action occurs at irregular frequent intervals making its use for the usual private constructions uneconomical and physically impractical.

II. The general court recognizes that New Hampshire holds in "public trust" rights in all shorelands subject to the ebb and flow of the tide and subject to those littoral rights recognized at common law. This "public trust" shoreland establishes the extreme seaward boundary extension of all private property rights in New Hampshire except for those "jus privatum" rights validly conveyed by legislative act without impairment of New Hampshire's "jus publicum" interests.

III. The general court further recognizes that for an historical period extending back well over 20 years the public has made recognized, prevalent and uninterrupted use of the vast majority of New Hampshire's coastal beaches above the "public trust" shoreland. The legislature recognizes that some public use of the beach area above the public trust lands is necessary to the full enjoyment of the land. The general court recognizes and confirms a public easement flowing from and demonstrated by this historical practice in the coastal beaches contiguous to the public trust shoreland where the public has traditionally had access and which easement has been created by virtue of such uninterrupted public use.

IV. Any person may use the coastal beaches of New Hampshire where such a public easement exists for recreational purposes subject to the provisions of municipal ordinances.

V. In a suit brought or defended under this section, or whose determination is affected by this section, a showing that the area in dispute is within the area defined as "coastal beach" shall be prima facie evidence that a public easement exists.

VI. The provisions of this section shall in no way be construed as affecting the title of property owners of land contiguous to land subject to a public easement.

VII. For the purposes of this section, "coastal beaches" means that portion of the beach extending from where the public trust shoreland ends, across the commonly used portion of sand and rocks to the intersection of the beach and high ground, often but not always delineated by a seawall, or the line of vegetation, or the seaward face of the foredunes.

Adopted.

LAI'D ON THE TABLE

Rep. Dickinson moved that **HB 636**, relative to the public use of coastal beaches for recreational purposes, be laid upon the table.

Adopted.

RESOLUTION

Its introduction having been approved by the Rules Committee, Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 58, shall be by this resolution read a first and second time.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION

First and second reading

HR 58, requesting an opinion of the justices on the constitutionality of SB 636.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration at the present time without the proper printing, referral and notice of **HR 58**, requesting an opinion of the justices on the constitutionality of SB 636.

Adopted by the necessary two-thirds.

HOUSE RESOLUTION NO. 58

Whereas, there is pending in the House, SB 636, "An act relative to the public use of coastal beaches for recreational purposes;" and

Whereas, an amendment has been proposed to SB 636 (document #6087B); and

Whereas, SB 636, as amended, recognizes that New Hampshire holds in public trust all shorelands subject to the ebb and flow of the tide; and

Whereas, based on testimony presented to the house Committee on Resources, Recreation and Development, SB 636, as amended, acknowledges that for an extended period of time exceeding 20 years the public has made recognized, prevalent, and uninterrupted use of the vast majority of New Hampshire's coastal beaches, including the high ground generally known as the "dry sand" area; and

Whereas, SB 636, as amended, recognized that this "dry sand area" may lie shoreward of the public trust shoreland; and

Whereas, SB 636, as amended, would recognize and confirm a public easement in the coastal beaches where the public has traditionally had access; and

Whereas, SB 636, as amended, would establish that when a dispute exists over the public's access rights to land in any defined coastal beach area, a presumption arises that a public easement exists on that disputed land; and

Whereas, questions have arisen as to the constitutionality of certain provisions of the bill; and

Whereas, it is important that the questions of constitutionality of said provisions should be settled in advance of its enactment; now therefore be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Whether New Hampshire law identifies a particular coastal feature or tidal event as outlining the maximum shoreward extension of the public trust area boundary as defined in SB 636, as amended, beyond which the probable existence of private property rights may, without a public easement arising from historical practice, restrict any public access under the provisions of Part I, Article 12 of the New Hampshire Constitution and the 5th amendment of the United States Constitution?

2. Whether the effect of SB 636, as amended, which recognizes that the public trust extends to those lands "subject to ebb and flow of the tide" infringes upon existing private property rights as protected by Part I, Article 12 of the New Hampshire Constitution and the 5th Amendment of the United States Constitution?

3. Whether the provisions of SB 636, as amended, which recognize a public easement in the "dry sand area" of historically accessible coastal beaches is a taking of private property for a public purpose without just compensation in violation of Part I, Article 12 of the New Hampshire Constitution and the 5th amendment of the United States Constitution?

4. Whether those provisions of SB 636, as amended, which are based on the finding that the public has made recognized, prevalent, and continuous use of the New Hampshire coastal beaches, and which require any property owners claiming an exception to this finding to bear the burden of proving such exception, deprive such owners of property rights without due process of law in violation of the 14th amendment of the United States Constitution?

That the clerk of the house of representatives transmit a copy of this resolution along with a copy of SB 636 and the amendment to SB 636 to the Justices of the New Hampshire Supreme Court.

Adopted.

(Speaker Burns in the Chair)

REMARKS

Rep. Whalley moved that the Rep. Conroy's Parliamentary Inquiry on SB 636 be printed in the Journal.

Adopted.

The tide comes in and the tide goes out
as here in Concord we have argued about
whether or not our sandy coast
shall be used by the few or by the most.
And if the Committee reached a point in time
when it had to take action; move off the dime.
And if in doing so the Committee agreed
a Supreme Court decision is what we need

and since you have before you the questions we asked which for answers the amendment needs to be passed, to strongly support the Committee's stand, should you press the red button with your voting hand?

REGULAR CALENDAR (Cont'd.)

SB 719, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan. **OUGHT TO PASS WITH AMENDMENT**

Reps. Michael D. Whalley and Sarah K. Bonneau for Resources, Recreation and Development: This bill, as amended, establishes a committee to study the feasibility of implementing a 250-foot protection zone around the shorelines of Squam and Little Squam Lakes, and 500-foot wildlife protection zones in certain areas. Also, the study committee shall be responsible for identifying three possible sites on Squam Lake for public access with particular emphasis on boating access. Vote 14-1.

Amendment (6220B)

Amend the bill by replacing all after the enacting clause:

1 Study Committee Established; Duties. There is hereby established a committee to study the feasibility of implementing the water use activity zone recommendation of the Squam lakes watershed plan completed by the office of state planning as provided in 1986, 45. The committee shall also be responsible for identifying 3 possible sites on Squam Lake for public access with particular emphasis on boating access in cooperation with the New Hampshire fish and game department.

2 Membership. The committee shall consist of the following members, all of whom shall be appointed no more than 30 days after the effective date of this act:

I. Two senators, appointed by the president of the senate.

II. Two house members from the resources, recreation and development committee, appointed by the speaker of the house.

III. One house member who is a member of the public access advisory board, appointed by the board.

IV. The executive director of the department of fish and game, or designee.

V. The commissioner of the department of safety, or designee.

VI. One person representing the Squam Lakes Association, appointed by the association.

VII. One person from the New Hampshire Marine Trades Association, appointed by the association.

VIII. The director of the office of state planning, or designee.

IX. One person from the department of environmental services, division of water supply and pollution control, appointed by the commissioner.

X. One selectperson representing the town of Ashland, Center Harbor, Holderness, Moultonborough or Sandwich, appointed by the governor.

XI. One person representing the Lakes Region Planning Commission, appointed by the commissioner.

3 Chair; Meetings. The chair of the committee shall be selected by the committee. The first meeting of the committee shall be called by the first named house member within 30 days of the effective date of this act.

4 Report. The committee shall make a report of its findings and recommendations for legislation to the senate president, the speaker of the house and the governor on or before November 1, 1994.

5 Mileage and Compensation. Members of the committee shall not be compensated; however, legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

6 Effective Date. This act shall take effect upon its passage.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (6296B)

Amend the bill by replacing all after the enacting clause:

1 Study Committee Established; Duties. There is hereby established a committee to study the feasibility of implementing the water use activity zone recommendation of the Squam lakes watershed plan completed by the office of state planning as provided in 1986, 45. The committee shall also be responsible for identifying 3 possible sites on Squam Lake for public access with particular emphasis on boating access in cooperation with the New Hampshire fish and game department.

2 Membership. The committee shall consist of the following members, all of whom shall be appointed no more than 30 days after the effective date of this act:

I. Two senators, appointed by the president of the senate.

II. Two house members from the resources, recreation and development committee, appointed by the speaker of the house.

III. One house member who is a member of the public access advisory board, appointed by the board.

IV. The executive director of the department of fish and game, or designee.

V. The commissioner of the department of safety, or designee.

VI. One person representing the Squam Lakes Association, appointed by the association.

VII. One person from the New Hampshire Marine Trades Association, appointed by the association.

VIII. The director of the office of state planning, or designee.

IX. One person from the department of environmental services, division of water supply and pollution control, appointed by the commissioner.

X. One selectperson representing the town of Ashland, Center Harbor, Holderness, Moultonborough or Sandwich, appointed by the governor.

XI. One person representing the Lakes Region Planning Commission, appointed by the commission.

3 Chair; Meetings. The chair of the committee shall be selected by the committee. The first meeting of the committee shall be called by the first named house member within 30 days of the effective date of this act.

4 Report. The committee shall make a report of its findings and recommendations for legislation to the senate president, the speaker of the house and the governor on or before November 1, 1994.

5 Mileage and Compensation. Members of the committee shall not be compensated; however, legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

6 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

SB 790, relative to small power producers. OUGHT TO PASS WITH AMENDMENT

Rep. Gary R. Gilmore for Science, Technology and Energy: This bill, as amended, deletes the mutual consent language which occurred in the Senate version. The amendment creates a legislative committee to encourage, monitor, assess and prod renegotiations between PSNH and the small power producers as well as look at other related issues. The amendment allows for the buyout of the two plants that have signed agreements to go forward and prohibits the PUC from taking any action that would certainly disrupt renegotiations during the negotiation period allowed in the bill. The committee believes that this legislation fosters an environment in which successful renegotiations will occur; averts a court fight involving the State; maintains State policy regarding having a diversity of electrical energy producers; prevents the potential of small power-plant closures and the ensuing large loss of jobs and livelihoods in the wood products industries; and allows for savings to be realized by PSNH customers. Vote 8-0.

Amendment (6206B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to small power producers and establishing a legislative oversight committee to monitor and assess renegotiations between small power producers and Public Service Company of New Hampshire.

Amend the bill by replacing all after section 6 with the following:

7 Statement of Intent; Legislative Oversight Committee Established.

I. The legislature finds that future renegotiations conducted between Public Service Company of New Hampshire (PSNH) and small power producers shall not directly or indirectly negatively impact the small power producers ability to operate or continue to operate.

II. The legislature further finds that good faith renegotiations are necessary between the small power producers and PSNH as equal partners so that renegotiations may be successfully completed by November 14, 1994.

III. There is therefore established a legislative oversight committee to monitor and assess renegotiations between small power producers and PSNH.

8 Membership. The members of the committee shall be:

I. Five senators, appointed by the senate president.

II. Five house members, all of whom shall be from the science, technology and energy or economic development committees and at least one of whom shall be a minority party member, appointed by the speaker of the house.

9 Duties. The committee shall:

I. Monitor and assess the renegotiations arising under the agreement referenced in RSA 362-C between small power producers and PSNH.

II. If by July 13, 1994, such renegotiations have not resulted in a mutually acceptable agreement, the committee may require that PSNH and the small power producers begin mediation with a mutually agreed upon third party and terms of mediation.

III. If, by November 14, 1994, renegotiations between the small power producers and PSNH do not result in a mutually acceptable agreement, the committee shall recommend an alternative strategy to encourage or resolve the renegotiations.

IV. Review issues and factors affecting the cost and supply of electricity and the future costs and supply of electricity in the state including but not limited to the deferral accounts under the NU plan.

10 Chairperson. The committee shall elect a chairperson at its first meeting. The first house appointed member shall call the first meeting within 30 days after the effective date of this act.

11 Report. The committee shall make a report to the speaker of the house, the president of the senate and the governor on or before December 1, 1994. The report shall contain the following:

I. The status of renegotiations between the small power producers and PSNH.

II. Recommendations to resolve any remaining unresolved renegotiations which have not resulted in a mutually acceptable agreement.

III. Any issues and factors affecting the costs and supply of electricity that the committee determines are appropriate.

12 Mileage. Legislative members shall receive mileage at the legislative rate while attending to the business of the committee.

13 New Sections; Buyout of Existing Rate Orders; Consideration by the Commission. Amend RSA 362-A by inserting after section 4-a the following new sections:

362-A:4-b Buyout of Existing Rate Orders. No agreement between qualifying small power producers or a qualifying cogenerator and the purchasing utility which involves the complete buyout of a long term rate order shall be approved by the commission unless the agreement was signed and executed before April 6, 1994, and the owner agrees to either the continuation by the owners of any existing payment in lieu of tax agreement or the elimination of any agreement in which the facility is exempted from paying local property taxes.

362-A:4-c Consideration by the Commission. The commission shall independently and expeditiously consider any mutually acceptable agreement regardless of the status of other renegotiations.

14 Actions by the Public Utilities Commission. The commission shall take no action or undertake any proceeding prior to December 1, 1994, affecting the small power producers or cogenerators covered by this act on any issues bearing on, or related to, the renegotiations or the long term rate orders, other than to rule on completed renegotiation arrangements with PSNH, without the consent of the small power producers or cogenerators. The preceding

sentence shall not give rise to any implication on the issue of the commission's authority to cancel, change, suspend or otherwise modify issued long term rate orders.

15 Authority of Public Utilities Commission. This act and any actions taken in creating this legislation shall not be viewed as making any changes to the existing law in RSA 362-A on the issue of whether the commission has the authority to cancel, change, suspend or otherwise modify issued long term rate orders.

16 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Requires the public utilities commissioner to consider certain factors, including the economic impact of small power producers on the state, in all decisions affecting qualifying small power producers and qualifying cogenerators.

(2) Requires an electric utility to file an assessment of plan integration and impact on state compliance with the Clean Air Act and the National Energy Policy Act and the plan's long and short-term environmental and economic impacts.

(3) Prohibits the commission from approving a rate change of a utility that does not have a least cost integrated resource plan on file with the commission.

(4) Establishes a legislative oversight committee to monitor and assess renegotiations between small power producers and Public Service Company of New Hampshire. The committee shall make a report to the speaker of the house, the senate president and the governor by December 1, 1994.

(5) Prohibits the public utilities commission from taking action on certain matters affecting small power producers other than to rule on completed renegotiation arrangements with PSNH.

Rep. Gilmore spoke in favor.

Adopted.

Report adopted and ordered to third reading.

REMARKS

Rep. Rodeschin moved that the remarks of Rep. Gilmore on SB 790 be printed in the Journal.

Adopted.

Rep. Gilmore: Thank you Mr. Speaker. Very briefly, because this process involved a critical mass of lawyers and lobbyists, there are some minor clarifications sought as to the legislative intent of several sections of this bill.

In section seven, there is a statement of intent which sets up a legislative oversight committee. The statement of intent is intended to give guidance to the committee and not to the PUC. Much of the rest of the bill gives very explicit guidance, instructions and advice to the PUC, but section seven is not intended for that purpose.

In section nine, the words "may require mediation," the Committee clearly intends that if there are major unresolved differences as of July 13th that mediation shall be required. We use the word "may" so that if there are minor differences remaining at that time they would have the ability to choose and not to mandate mediation.

Finally, in section 13, the owners are referred to for two plants that are allowed to be bought out. Specifically, on the question of payment in lieu of taxes, the owners referred to are the owners of the two plants that are allowed to be bought out in the bill if the PUC approves that buyout.

I urge you to join the Committee to support this compromise that has been worked out. It is a bill that doesn't make any one group happy but yet every one group is happy with it and supports it. I hope you join the Committee and support it also.

REGULAR CALENDAR (Cont'd.)

SB 754-FN, directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Scanlan for State-Federal Relations: This bill instructs the Attorney General to settle the boundary dispute between New Hampshire and Maine along the Piscataqua River. The amendment allows the Attorney General enough flexibility to do his job, but holds his feet to the fire as far as accomplishing this important task. Vote 10-0.

Amendment (6202B)

Amend the bill by replacing all after the enacting clause with the following:

I Findings. In directing the attorney general to pursue settlement under section 2 of this act, the general court makes the following findings:

I. Jurisdiction and control over the whole of the Piscataqua River is and always has been entirely within the county of Rockingham and this state.

II. Complete dominion and ownership of the tidal waters and submerged lands of the whole of the Piscataqua River, and including its Portsmouth Harbor, are solely vested in the sovereign people of the state of New Hampshire, encumbered only by the national navigational servitude over the river and its harbor as a navigable inland waterway and arm of the sea.

III. The Piscataqua River and those geographic features located within it are of immense value to New Hampshire.

IV. The state of New Hampshire holds absolute right and title to those lands submerged under the navigable waters of the whole of the Piscataqua River in trust for the people of the state.

V. The public trust in the Piscataqua River for the public use of the people of this state may only be ensured by the adequate protection, management, and control by the state over the entirety of the river and its submerged lands in which the whole of the people of this state are interested.

2 Attorney General Directed to Pursue Settlement.

I. The attorney general shall pursue settlement of the border dispute between the state of New Hampshire and the state of Maine concerning the establishment of the interstate boundary in the vicinity of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor, as recommended by the legislature in 1991, HJR 1. In pursuing such settlement, the attorney general shall affirm the findings of general court under section 1 of this act. No agreement, undertaking or stipulation by any officer, representative, attorney or agent of the state of New Hampshire, which would have the effect of establishing any boundary line inconsistent with such findings, shall bind the state of New Hampshire, unless such agreement undertaking or stipulation is approved by the general court through legislation. The attorney general shall submit annual reports to the governor, the senate president, and the speaker of the house on or before June 1, 1994, and every year thereafter on June 1 until the issue is resolved, detailing the progress made in such settlement efforts.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill directs the attorney general to pursue settlement of the border dispute between New Hampshire and Maine concerning the location of the interstate boundary in the vicinity of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor. The attorney general shall submit reports on the progress of such settlement efforts to the governor, the senate president, and the speaker of the house on or before June 1, 1994, and every year thereafter on June 1 until the issue is resolved.

Rep. Kathleen Ward spoke in favor.

Adopted.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 329 - NAYS 3

YEAS 329

BELKNAP

Bartlett, Gordon
Hauck, William
Laflam, Robert
Smith, Linda

Cain, Thomas
Hawkins, Robert
Rice, Thomas, Jr.
Turner, Robert

Campbell, Richard, Jr.
Holbrook, Robert
Rosen, Ralph
Ziegler, Alice

Golden, Paul
Johnson, Carl
Salatiello, Thomas

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Mock, Henry

CHESHIRE

Avery, Stephen
Cole, Stacey
Hunt, John
McGuirk, Paul
Pratt, Irene
Royce, H. Charles

Bonneau, Sarah
DePecol, Benjamin
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Smith, Edwin

Burnham, Daniel
Delano, Robert
Lynch, Margaret
Metzger, Katherine
Riley, William

Champagne, Richard
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Merrill, Gerald

Hawkinson, Marie
Pratt, Leighton

Horton, Lynn

GRAFTON

Bean, Pamela
Brown, Patricia
Eaton, Stephanie
LaMott, Paul
Rose, William
Wadsworth, Karen

Below, Clifton
Chase, Paul, Jr.
Gordon, Edward
Larson, Nils, Jr.
Scanlan, David
Ward, Kathleen

Brown, Alson
Copenhaver, Marion
Ham, Bonnie
McIlwaine, Deborah
Teschner, Douglass
White, Paul

Brown, Channing
Cory, Elizabeth
Hill, Richard
Nordgren, Sharon
Trelfa, Richard

HILLSBOROUGH

Ahern, Richard
Andrews, Frederick
Bergeron, Lucien
Buckley, Raymond
Chabot, Robert
Daigle, Robert
Donovan, Francis
Dyer, Merton
Fields, Dennis
Gervais, Glen
Hall, Betty
Holden, Carol
Hunter, Bruce
Johnson, Lionel
Kurk, Neal
Leclerc, Charles
Lozeau, DonnaLee
Messier, Irene
Moore, Elizabeth
O'Hearn, Jane
Pepino, Leo
Reidy, Frank
Rothaus, Finlay
Smart, John
Sullens, Joan
Upton, Barbara
Wheeler, Robert

Ahrens, Frederick
Arnold, Barbara
Bergeron, Normand
Burke, M. Virginia
Clemons, Jane
Daniels, Gary
Drabinowicz, A. Theresa
Emerton, Lawrence, Sr.
Foster, Linda
Gosselin, Gerald
Hanselman, Gregory
Holley, Sylvia
Jasper, Shawn
Kelley, Dana
L'Heureux, Robert
Lefebvre, Roland
McCarty, Winston
Milligan, Robert
Morello, Michael
O'Rourke, Joanne
Perkins, Paul
Rheault, Lillian
Sallada, Roland
Smith, Leonard
Tate, Joan
Vanderloek, Stanley
White, John

Allen, W. Gordon
Arnold, Thomas, Jr.
Borsa, Andrew
Calawa, Leon, Jr.
Cowenhoven, Garret
Desrosiers, William
Drolet, Paul
Fenton, James
Franks, Suzan
Greenberg, Gary
Hart, Nick
Holt, David
Jean, Claudette
Kelley, Robert
Lachut, Ervin
Lessard, Rudy
McRae, Karen
Mittelman, David
Morrisette, Roland
Packard, Bonnie
Peters, Stanley
Riley, Frances
Sargent, Maxwell
Soucy, Donna
Toomey, Kathryn
Weergang, Alida

Amidon, Eleanor
Asselin, Robert
Bowers, Dorothy
Cepaitis, Elizabeth
Crotty, Edward
Dodge, Emma
Durham, Susan
Ferguson, Charles
Gage, Ruth
Haettenschwiller, Alphonse
Healy, Daniel
Holt, Mark
Jean, Loren
Kirby, Thomas
Laughlin, J. Francis
Lown, Elizabeth
Mercer, Robert
Moncrief, Keith
Nardi, Theodora
Paquette, Rodolphe
Record, Alice
Rodgers, G. Philip
Searles, Stanley, Sr.
Soucy, Richard
Turgeon, Roland
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Chandler, John

Braiterman, Thea
Daneault, Gabriel

Carter, Susan
Dunn, Miriam

Chandler, Earle
Feuerstein, Martin

Fillion, Paul
Hall, Douglas
Johnson, C. William
Lockwood, Robert
Owen, Derek
Stapleton, Henry
Ward, Jay
Yeaton, Charles

French, Barbara
Hess, David
Kennedy, Richard
Mitchell, Vernon
Regan, Maurice
Teague, Bert
Whalley, Michael

Gilbreth, Robert
Holmes, Mary
Kidder, William
Newland, Matthew
Rogers, Katherine
Trombly, Rick
Whittemore, James

Hager, Elizabeth
Houlahan, Thomas
Langer, Ray
Nichols, Avis
Shaw, Randall
Wallner, Mary Jane
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Case, Margaret
Clark, Vivian
Crossman, Harold, Jr.
Fesh, Robert
Hurst, Sharleene
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Pantelakos, Laura
Raynowska, Bernard
Schanda, Joseph, Sr.
Splaine, James
Syracusa, Anthony
Welch, David
Yennaco, Carol

Arndt, Janet
Blake, Daniel
Chester, Sherman
Coes, Betsy
Dowling, Patricia
Flanders, David
Hutchinson, Karen
Katsakiores, Phyllis
Lee, Rebecca
Miller, Don
Pratt, Katharin
Ritzo, Eugene
Senter, Marilyn
St. Martin, Tommy
Sytek, John
Weyler, Kenneth

Battles, Marjorie
Boucher, William
Christie, Andrew, Jr.
Conroy, Janet
Drake, Herbert
Flanders, John, Sr.
Johnson, Robert
Klemarczyk, Thaddeus
Malcolm, Kenneth
Noyes, Richard
Pullman, Robert
Rosencrantz, James
Skinner, Patricia
Stone, Joseph
Vaughn, Charles
Williamson, William

Beaulieu, Jon
Bove, Martin
Clark, Martha
Cote, Patricia
Dube, LeRoy
Gorman, Donald
Kane, Cecelia
Klemm, Arthur, Jr.
McGovern, Cynthia
O'Keefe, Patricia
Putnam, Ed, II
Rubin, George
Smith, Arthur
Stitch, C. Donald
Warburton, Calvin
Woods, Deborah

STRAFFORD

Brown, George
Douglass, Clyde
Hashem, Elaine
Knowles, William
Merrill, Amanda
Rogers, Rose Marie
Torr, Ann
Wall, Janet

Brown, Julie
Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Merritt, Deborah
Snyder, Clair
Torr, Franklin
Wasson, Richard

Callaghan, Frank
Gilmore, Gary
Keans, Sandra
McCann, William, Jr.
Nehring, William
Spear, Barbara
Torr, Ralph
Wheeler, Katherine

Chagnon, Ronald
Hambrick, Patricia
Kincaid, William
McKinley, Robert
Pelletier, Arthur
Sullivan, Henry
Vincent, Francis

SULLIVAN

Allison, David
Domini, Irene
Palmer, Lorraine
Stamatakis, Carol

Behrens, Thomas
Flint, Gordon
Rodeschin, Beverly

Burling, Peter
Holl, Ann
Schotanus, Merle

Cloutier, John
Lindblade, Eric

NAYS 3 BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Murphy, Robert

Wright, George

MERRIMACK

None

ROCKINGHAM

Sytek, Donna

STRAFFORD

None

SULLIVAN

None

and the report was adopted.
Ordered to third reading.

SB 724, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.

Rep. Edward J. Crotty for the Majority of Transportation: The majority of the committee felt with the current time constraints and the need to address signage of private parking lots and garages that interim study would give the committee time to find some solution to the question and, hopefully, resolve conflicting parking problems. Vote 8-5.

Rep. Maurice Regan for the Minority of Transportation: This bill requires owners of parking facilities to post conspicuous notice that vehicles are subject to towing. The committee heard extensive testimony regarding abusive practices and exorbitant rates by towing companies in the Manchester area. Though this bill will not prevent the abuses detailed before the committee or in the press, at least it provides some warning and protection to vehicle owners before their cars are towed. Other matters can be solved with subsequent legislation possibly at the local level.

Rep. Regan moved that the words Ought to Pass be substituted for the report of the Committee, Refer for Interim Study, spoke in favor and yielded to questions.

Rep. Dana Kelley spoke against.

Rep. George Katsakiores spoke against and yielded to questions.

On a division vote, 171 members having voted in the affirmative and 135 in the negative, the substitute motion was adopted.

Substituted report adopted and ordered to third reading.

SB 650-FN-A, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Appropriations: The committee felt that in the absence of an acceptable funding source the bill requires further study and flexibility is needed in appointing members to the nuclear decommissioning finance committee. Vote 20-0.

Amendment (6212B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study lead base paint abatement and relative to the nuclear decommissioning financing committees.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that the presence of lead base paint and other lead base materials in rental housing units creates a significant potential health hazard for residents of such housing, especially children under the age of 6 and pregnant women. The general court also finds that the risk of lead poisoning is significantly higher in rental housing units which serve lower-income families. Further, the general court finds that as a matter of public policy, federal, state and local governments often mandate or encourage owners of such rental property to take action to abate this health hazard, but that such property owners often lack access to affordable capital to undertake such lead-base substance abatement activities. Therefore, the general court hereby determines that a committee to study

and review potential funding sources be established for the purpose of identifying resources to be accessed to assist property owners to comply with any abatement orders issued by the division of public health services.

2 Committee Established; Duties; Membership. There is hereby established a committee to study the level of activity in the lead poisoning prevention and control program, RSA 130-A, administered by the division of public health services. The committee shall determine how many abatement orders are being issued by the division of public health services and of those orders issued, how many property owners have been unable to finance the abatement procedure. The committee shall also review and investigate potential resources which may be available to assist property owners in meeting the requirements of any abatement order issued by the division of public health services. Additionally, the committee shall review the different abatement methodologies and their respective costs. The committee shall consist of the following members, all of whom shall be appointed within 30 days of the effective date of this act:

I. Two members of the senate, one of whom shall be a member of the senate public institutions, health and human services committee, appointed by the senate president.

II. Two members of the house of representations, one of whom shall be a member of the house health, human services and elderly affairs committee, appointed by the speaker of the house.

III. The director of the division of public health services.

IV. One member of the public, appointed by the governor.

V. One member appointed by the New Hampshire Association of Realtors.

VI. One member appointed by New Hampshire Legal Assistance.

VII. One member from the staff of the New Hampshire housing finance authority, appointed by the executive director.

VIII. One member appointed by the New Hampshire Property Owners Association.

IX. One member appointed by the Association of Paint Manufacturers.

3 Chair; Meetings. The chair of the committee shall be selected from the members at the first meeting. The first meeting of the committee shall be called by the first-named senator within 60 days of the effective date of this act.

4 Staff; Research. The committee may utilize the staff and research assistance of the division of public health services and the legislative budget assistant's office in the conduct of its study.

5 Report. The committee shall make a report of its findings and any recommendations for legislation to the senate president and speaker of the house no later than December 1, 1994.

6 Designee Allowed for Certain Members. Amend RSA 162-F:15, II to read as follows:

II. Each committee shall consist of one person who is a resident of the town or city in which the facility is to be located and who shall be appointed by the selectmen of the town or the mayor and council of the city, the chairman of the public utilities commission, [the chairman and the vice-chairman of the legislative fiscal committee] *one senator, who is a member of the legislative fiscal committee to be appointed by the senate president, one house member, who is a member of the legislative fiscal committee to be appointed by the speaker of the house, the state treasurer or [his] designee, the commissioner of the department of health and human services or [his] designee, the commissioner of the department of safety or [his] designee, and a representative of the lead company as designated by the owner or owners of the facility.*

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study and identify funding sources for assisting property owners in complying with orders for lead base paint abatement.

The bill also allows the speaker of the house and the senate president to appoint designees from the legislative fiscal committee to serve on nuclear decommissioning financing committees.

Adopted.

Rep. Franklin Torr offered a floor amendment.

Floor Amendment (6282B)

Amend paragraph IX of section 2 of the bill by replacing it with the following:

IX. One member appointed by the National Paint and Coatings Association.

Rep. Franklin Torr spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 621-FN, relative to eligibility for unemployment benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill, as amended, has the full support of the prime Senate sponsor. The bill increases the membership on the workers' compensation advisory board and clarifies the authority of the commissioner of labor over administrators and third party administrators of private employer self-funded insurance programs. Vote 13-0.

Amendment (6122B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the authority of the commissioner of labor over administrators
and third party administrators of private employer
self-funded insurance programs.

Amend the bill by replacing all after the enacting clause with the following:

1 Workers' Compensation; Self-Insurance Contracts. Amend RSA 281-A:5-a, III to read as follows:

III. Make all contracts with administrators or service companies available for inspection by the commissioner upon reasonable notice. *All contracts shall be in writing and shall be maintained as a part of the official records of the private employer and the administrator or service company for a period of 5 years thereafter. Every administrator or service company shall maintain and make available to the private employer or group or association of homogeneous employers complete books and records of all transactions performed on behalf of the private employer or group or association of private employers. No administrator or service company shall abrogate the rights and responsibilities of the private employer or the pool, group or association or trust under this chapter.*

2 Workers' Compensation; Department of Labor Authority Clarified. Amend RSA 281-A:5-c, II to read as follows:

II. The department of labor shall have exclusive jurisdiction over any private employer or group or association of homogeneous employers self-insuring for workers' compensation coverage under RSA 281-A:5 and 281-A:5-a. *The department of labor shall have exclusive jurisdiction over any entity described in RSA 402-H:1, I(m) that provides service to a self insurance program for workers' compensation coverage and such entity shall be subject to all applicable rules of the department of labor.*

III. *The department of labor may adopt rules regarding the certificate of authority, compensation and performance bonds of any entity described in RSA 402-H:1, I(m) seeking to provide services to a self insurance program for workers' compensation coverage.*

3 Workers' Compensation Advisory Board Membership Increased. Amend RSA 281-A:62, I to read as follows:

I. There is hereby established an advisory council on workers' compensation. The advisory council shall consist of [8] 9 members: the commissioner or a designee; the insurance commissioner or a designee; one member of the house of representatives, appointed by the speaker of the house; one member of the senate, appointed by the president of the senate; and [4] 5 persons appointed by the governor and council, one representing the interests of management, who shall not have interests in the insurance field, one representing the interests of labor, one representing insurance interests of commercial workers' compensation carriers, *one representing self-funded employers* and one representing health care providers. The legislative members of the advisory council and the [4] 5 members appointed by the governor and council shall be familiar with the workers' compensation laws of New Hampshire. Any per-

son appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the advisory committee shall be replaced by the governor and council. The advisory council shall discuss problems related to the administration of this chapter and shall discuss policy goals. The advisory council shall also ratify managed care programs established under RSA 281-A:23-a. The term of office of each member appointed by the governor and council shall be 3 years and until a successor is appointed and qualified. Vacancies shall be filled in the same manner and for the unexpired terms. Each member of the advisory council shall be reimbursed for necessary travel and other necessary expenses.

4 Third Party Administrators; Definition Modified. Amend RSA 402-H:1, I(m) to read as follows:

(m) A group or association of homogeneous employers which self-insures for workers' compensation insurance coverage in accordance with the requirements of RSA 281-A, and the employees, trustees, and agents of such group or association, provided that[:

(1) The pool, group, association or trust existed on or prior to December 31, 1992, and operated for at least a 3-year period ending on such date; and

(2) All employer-subscribers of the pool, group, association or trust are participants in the same industry] *all employer subscribers of the pool, group or trust are participants in the same industry.*

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the membership in the workers' compensation advisory board and clarifies the authority of the commissioner of labor over administrators and third party administrators of private employer self-funded insurance programs.

Adopted.

Rep. Hawkins offered a floor amendment.

Floor Amendment (6304B)

Amend RSA 281-A:5-c, II as inserted by section 2 of the bill by replacing it with the following:

III. The commissioner may adopt rules pursuant to RSA 541-A regarding the certificate of authority, compensation and performance bonds of any entity described in RSA 402-H:1, I(m) seeking to provide services to a self insurance program for workers' compensation coverage.

Rep. Hawkins spoke in favor.

Adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 11, 1994 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 667-FN, relative to guardians ad litem appointed in child protection cases.

SB 760-FN-A-L, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees.

SB 771-FN-A, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases.

SB 806, relative to a capital appropriation for repair and restoration of the state house.

SB 580-FN, establishing a committee to study future directions for New Hampshire child care licensing policies.

SB 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to juvenile probation."

SB 518, relative to life and health insurance policy language simplification.

SB 549, relative to loans made by a bank to its executive officers, directors, or trustees.

SB 573, establishing a committee to study the relocation of abandoned manufactured homes within manufactured housing parks.

SB 605, relative to driving a motor vehicle after license revocation or suspension in another state.

SB 716, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

SB 622, changing the membership of the board of examiners of psychology and mental health practice.

SB 802, relative to real estate appraisers.

SB 520-L, relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord.

SB 552, providing for ownership rights in dies and molds under certain conditions.

SCR 10, to request Congress to allow all states east of the 100th meridian to regulate the export of unprocessed logs.

SB 538, establishing a state freshwater fish.

SB 585, increasing penalties for certain acts of cruelty to animals.

SB 558, relative to imposing late payment fees on retail credit customers.

SB 711, relative to small employer and individual insurance.

SB 717, relative to residency forms and automobile insurance.

SB 608, increasing the penalty for certain DWI offenses to include lifetime license revocation.

SB 591, relative to the aerial application of pesticides.

SB 733, requiring certification of athletic trainers, including fees for certification.

SB 763, establishing an executive board for community service.

HB 1135, relative to a judicial council study of family matters within the state court system.

SB 603, relative to the definition and payment of salaried employees.

SB 805, reorganizing and making further amendments to the administrative procedure act.

HB 1010-L, relative to a 10-year transportation plan.

HR 58, requesting an opinion of the justices on the constitutionality of SB 636.

SB 719, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.

SB 790, relative to small power producers.

SB 754-FN, directing the attorney general to pursue settlement of the Portsmouth New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

SB 724, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing.

SB 650-FN-A, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund.

SB 621-FN, relative to eligibility for unemployment benefits.

RECONSIDERATION

Having voted with the prevailing side, Rep. Bonnie Packard moved that the House reconsider its action whereby it passed **SB 711**, relative to small employer and individual insurance.

Reconsideration lost.

UNANIMOUS CONSENT

Rep. Lozeau moved that the remarks of Rep. Record be printed in the Journal.

Adopted.

Rep. Record addressed the House.

Thank you Mr. Speaker. It has been an honor and a privilege to have been a member of this leadership for the past four years. I wanted to take this opportunity to tell you that I will not

be seeking re-election. I have experienced many things in my life. I have had my share of good times and bad. My love for this institution, which is and has been my home away from home, is high on my list of wonderful memories. To have the opportunity to have served with Caroline Gross, Jim Chandler, Mike Hill and the most recent team of leadership members means so much to me. Many years ago my husband served in this body and on the same committee that I do now, but even his many stories couldn't capture just how neat this body is. Thank you one and all for your friendship and help over the past six years. I will miss you all. But remember, I will be watching and ready to help in any way possible and to whip you into shape when you need me. I will be here until December 31, 1994. Thank you.

Reps. Welch, Haettenschwiller, Dickinson and St. Martin addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 4:20 p.m.

RECESS

(Rep. Nordgren in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 210, 1115, 1207, 1233, 1319, 1339, 1468, 1506, 1529, 1574, 1581 and HJR 20 and Senate Bills numbered 527, 564, 628, 690, 734 and 736.

Rep. Dunn for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 20

Wednesday, May 11, 1994

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of inexhaustible light and love, we watch with great hopes as new possibilities for justice unfold in South Africa. And we pray that our investment in the political process might embody something of the passion and commitment which we see in our South African sisters and brothers. Fill all of us, O God, with Your relentless longing for peace, Your gracious inclusivity and Your vision of a world united by love. Amen.

Rep. Trelfa led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Holmes, Crum, Joan Kane and Vincent, the day, illness.

Case, David Young, Stapleton, Cogswell, Manning, Dana Kelley, Dowling, Houlahan, Nehring, Fenton, Blake, Dewhirst, Lessard, Marilyn Campbell, Caswell, Gargiulo, Borsa, Coughlin, Philbrook and Hess, the day, important business.

INTRODUCTION OF GUESTS

Students and teachers from the Franklin-Tilton- Northfield Adult Learning Center, guests of Rep. Feuerstein. Pauline Feuerstein, wife of Rep. Feuerstein. Shane and Erik and Mr. & Mrs. John Mourtgas, guests of Rep. Miller. The Exeter Adult Education Jobs Class, guests of Rep. Bell. Mr. & Mrs. Raymond D'Amours, guests of Rep. Asselin. Gordon Upton, Souci, Liza and Peter Rollins, husband, daughter and grandchildren of Rep. Upton. Jeff Grappone, guest of Rep. Hager. Ginny Cowenhoven, daughter of Rep. Cowenhoven

SPECIAL GUESTS

The Women's gymnastic team from the University of New Hampshire and the coaches and trainers, guests of the House.

GUESTS ON THE ROSTRUM

Eleanor Burns, Stephanie and Catherine Noyes, wife, granddaughter and great-granddaughter of Speaker Burns.

SENATE MESSAGES**CONCURRENCE**

HB 583, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors.

HB 1112, permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials.

HB 1133, allowing organization members' spouses to assist at bingo games.

HB 1209-FN, relative to administrative motor vehicle suspensions.

HB 1391, relative to consumer protection and going out of business sales.

HB 1403, requiring the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year upon failing to require necessary proof for the issuance of a license and making such person guilty of a class B misdemeanor.

HB 1588-L, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum.

CONCURRENCE WITH AMENDMENTS

SB 128, relative to the recodification of the forestry laws.

SB 653, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council.

SB 790, relative to small power producers and establishing a legislative oversight committee to monitor and assess renegotiations between small power producers and Public Service Company of New Hampshire.

SB 711, relative to small employer and individual insurance.

SB 800-FN, relative to the child protection act.

NONCONCURRENCE

HB 1141-FN-A, eliminating cigarette stamps.

HB 1175, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license.

HB 1510-FN, relative to the availability of on-site foreign currency exchange.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 1171, relative to requirements for submission of plans for sewage or waste disposal systems.

The President appointed Sens. Fraser, MacDonald and Pignatelli.

HB 1321-FN, relative to liquor licenses for full service restaurants and requiring on-sale liquor license applicants to obtain all required local permits and licenses.

The President appointed Sens. MacDonald, John King and Lovejoy.

HB 1493-FN-A, relative to tax refunds from the department of revenue administration.

The President appointed Sens. McLane, Blaisdell and Hollingworth.

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee.

The President appointed Sens. Currier, John King and Russman.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 389, relative to the disclosure of certain historical information regarding property. (Amendment printed SJ 15, 5/10/94)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Mercer, Yennaco, Lindblade and Fuller Clark.

HB 624-FN, creating a unit within the department of environmental services to certify certain scientists. (Amendment printed SJ 5, 2/10/94)

Rep. Kidder moved that the House nonconcur.

Adopted.

HB 628-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Amendment printed SJ 12, 4/21/94)

Rep. George Katsakiores moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas Cain, Kruse, Regan and Raynowska.

HB 1101, relative to the collection of protested checks by the department of safety. (Amendment printed SJ 12, 4/21/94)

Rep. Kidder moved that the House concur.

Adopted.

HB 1120-L, making procedural and housekeeping changes regarding the board of tax and land appeals. (Amendment printed SJ 14, 5/3/94)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wadsworth, Golden, Chester and Paula Bradley.

HB 1180, modifying the arson statutes to include historic structures and increasing the penalty. (Amendment printed SJ 15, 5/10/04)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. C. William Johnson, Metzger, Vivian Clark and Knowles.

HB 1193, amending the charter of St. Mary's Bank. (Amendment printed SJ 14, 5/3/94)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Bonnie Packard, Lindblade, Drolet and Crory

HB 1203-FN, making technical amendments to the banking laws. (Amendment printed SJ 14, 5/3/94)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 1212-FN, revising the special education mediation provisions to include neutral conferences. (Amendment printed SJ 14, 5/3/94)

Rep. Skinner moved that the House concur.

Adopted.

HB 1240, permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water. (Amendment printed SJ 15, 15/5/94)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Dickinson, Royce, Holl and Whalley

HB 1283, relative to transporting loads on highways and establishing fines. (Amendment printed SJ 12, 4/21/94)

Rep. George Katsakiores moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. George Katsakiores, Bartlett, Sherman Packard and Turgeon.

HB 1289-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program. (Amendment printed SJ 14, 5/3/94)

Rep. Horton moved that the House nonconcur.

Adopted.

HB 1309, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.. (Amendment printed SJ 15, 5/10/94)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Beverly Gage, Drolet, Dunlap and Newland.

HB 1320, regulating commerce pertaining to consumer transactions involving credit reporting agencies. (Amendment printed SJ 14, 5/3/94)

Rep. Bonnie Packard moved that the House concur.

Adopted.

Rep. Mittelman wished to be recorded in opposition to concurrence.

HB 1327-FN, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game. (Amendment printed SJ 14, 5/3/94)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jeb Bradley, Owen, Marilyn Campbell and Leighton Pratt.

HB 1368, establishing a commission to examine governmental reorganization. (Amendment printed SJ 15, 5/10/94)

Rep. Kidder moved that the House concur.

Adopted.

HB 1379, establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report. (Amendment printed SJ 14, 5/3/94)

Rep. Kidder moved that the House concur.

Adopted.

HB 1398, establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline. (Amendment printed SJ 14, 5/3/94)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 1405, relative to voting and party membership. (Amendment printed SJ 12, 4/21/94)

Rep. Flanagan moved that the House concur.

Adopted.

HB 1420, relative to the sale of defective vehicles. (Amendment printed SJ 14, 5/3/94)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mercer, Hill, Lindblade and Newland

HB 1426, relative to the placement of candidates' names on the ballot. (Amendment printed SJ 14, 5/3/94)

Rep. Flanagan moved that the House concur.

Adopted.

HB 1428, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park. (Amendment printed SJ 14, 5/3/94)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Boucher, McGrath, Beaulieu and John Sytek.

HB 1433, establishing a committee to review and make recommendations regarding health education in public schools. (Amendment printed SJ 14, 5/3/94)

Rep. Skinner moved that the House concur.

Adopted.

HB 1534-FN-L, establishing a task force to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee. (Amendment printed SJ 11, 4/14/94)

Rep. Musler moved that the House concur.

Adopted.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings.

The President appointed Sens. Roberge, Fraser and Bourque.

Rep. Rodeschin moved that the House accede.

Adopted.

The Speaker appointed Reps. Rodeschin, McRae, Gilmore and Peters.

SB 792-A, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport.

The President appointed Sens. Hough, Blaisdell and Shaheen.

Rep. Channing Brown moved that the House accede.

Adopted.

The Speaker appointed Reps. Channing Brown, Franklin Torr, LaMott and Vaughn.

SB 793-A, relative to the Pease development authority and making an appropriation therefor. The President appointed Sens. Hough, Blaisdell and Shaheen.
Rep. Channing Brown moved that the House accede.
Adopted.

The Speaker appointed Reps. Channing Brown, Klemm, Franklin Torr and Vaughn.

ENROLLED BILL AMENDMENTS

SB 503-FN, relative to the practice of electrology and the collection of certain fees.

Amendment (6369B)

Amend RSA 314:2, VII as inserted by section 2 of the bill by replacing it with the following:
VII. Assessing administrative fines, in accordance with RSA 314:13.

Amend RSA 314:3, III(d) as inserted by section 2 of the bill by replacing line 2 with the following:

passing a competency examination, pursuant to rules adopted under RSA 314:8, III.

Amend RSA 314:3, V as inserted by section 2 of the bill by replacing line 3 with the following:

a fee in accordance with RSA 314:10, I.

Amend RSA 314:5 as inserted by section 2 of the bill by replacing line 3 with the following:
accordance with rules adopted by the director under RSA 314:8, IV, and

Amend RSA 314:6, IV as inserted by section 2 of the bill by replacing line 3 with the following:

according to rules adopted under RSA 314:8, VIII.

Amend RSA 314:6, V as inserted by section 2 of the bill by replacing line 2 with the following:

of electrology, as provided for in rules adopted under RSA 314:8, VII.

Amend RSA 314:9, I as inserted by section 2 of the bill by replacing lines 3-5 with the following:

rules adopted under RSA 314:8, VIII, of each office identified by a licensee at least once during each licensee period. Inspections shall be conducted in accordance with rules adopted under RSA 314:8, IX.

Amend RSA 314:13, I as inserted by section 2 of the bill by replacing line 2 with the following:

rules adopted under RSA 314:8, X, may impose an administrative fine not to

Amend RSA 314:13, III as inserted by section 2 of the bill by replacing line 2 with the following:

X, relative to administrative fines which shall be scaled to reflect the

Adopted.

SB 536, relative to appropriations for the expansion of the port of Portsmouth.

Amendment (6371B)

Amend section 1 of the bill by replacing lines 14-15 with the following:
and council. \$1,500,000 of the *total* amount appropriated herein is hereby released for the purpose of [completion of] final design[,] and bid documents [and

Amend section 2 of the bill by replacing lines 1-2 with the following:

2 1991 Bonds Increased. Amend 1991, 351:10 as amended by 1992, 107:3 and 1993, 305:2 to read as follows:

Amend section 4 of the bill by replacing line 6 with the following:

purpose may issue bonds and notes in the name and on behalf of the state of New

Adopted.

SB 664, relative to laid off state employees whose positions are federally funded.

Amendment (6362B)

Amend section 1 of the bill by replacing lines 1-2 with the following:

1 New Subdivision; Benefits for Laid Off State Employees. Amend RSA 99 by inserting after section 25 the following new subdivision:

Laid Off State Employee

Adopted.

SB 726-FN, changing the title of the division for children and youth services to the division for children, youth, and families.

Amendment (6365B)

Amend section 2 of the bill by replacing line 14 with the following:
170-B:23; 170-C:2, VII; 170-C:9, I; 170-C:11, II, VI;
Adopted.

SB 743-FN, relative to insurance coverage for children.

Amendment (6388B)

Amend RSA 161-H:1, I as inserted by section 1 of the bill by replacing lines 1-3 with the following:

I. "Dependent child" means any natural or adoptive child or stepchild who has not terminated high school education or reached the age of 18 years, whichever is later, or becomes married or otherwise emancipated, or becomes a

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1050.

Rep. Dunn for the Committee

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 709-FN, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan, was removed at the request of Rep. Channing Brown.

Consent Calendar adopted.

SB 575-FN, modifying the dental practice act. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Appropriations: The committee felt it was appropriate to withdraw authorization to hire an investigator and a legal stenographer since funding was not forthcoming. The policy remains intact. Vote 18-0.

Amendment (6223B)

Amend the title of the bill by replacing it with the following:

AN ACT

modifying the dental practice act.

Amend the bill by deleting section 5 and renumbering section 6 to read as 5.

AMENDED ANALYSIS

This bill provides that new licensure requirements shall be met by those who allow their licenses to lapse, deletes the provision requiring the inactive registration fee to be 75 percent of the active registration fee, specifies guidelines for infection control, and makes a technical correction changing the terms "widow" and "wife" to "spouse."

SB 697-FN-A, relative to the New Hampshire Industrial Research Center and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Appropriations: This bill allows the center at UNH to provide grant-funded programs and services to New Hampshire business and industry and to participate in grants and programs with non-business entities. It will assist New Hampshire companies with marketing and scientific research. The amendment removes the appropriation. Vote 19-0.

Amendment (6300B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the New Hampshire Industrial Research Center.

Amend the bill by deleting sections 6 and 7 and renumbering the original section 8 to read as 6.

AMENDED ANALYSIS

This bill:

(1) Changes the title of the center from "Industrial Technology Research and Innovation Center" to "Industrial Research Center."

(2) Allows the center to provide grant-related services.

(3) Redefines "basic research" as "basic scientific, engineering, and associated marketing research."

(4) Allows short-term activities without requiring matching funds.

SB 744-FN, establishing a committee to study providing health insurance to the dependents of retired state employees. **OUGHT TO PASS**

Rep. Franklin G. Torr for Appropriations: This bill establishes a committee to study providing health insurance to the dependents of retired state employees. Vote 18-0.

SB 788-FN-L, relative to alternative fuel motor vehicles. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Appropriations: This bill is an important element in compliance with the Federal Clean Air Act. It combines two fleet requirements with more flexibility than the federal model. It requires fleet operators with more than 50 vehicles to begin replacing a part of their fleets with lower emission vehicles. The bill also provides for emission reduction credits and forms a study committee to evaluate the program. Vote 18-0.

SB 757-FN-A, relative to an education tax credit against the business profits tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna M. Soucy for Ways and Means: This bill establishes a study committee for the purpose of determining the impact of tax credits and creates a useful tool to evaluate its effectiveness. Vote 18-0.

Amendment (6315B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the house ways and means committee to study
the state's tax credit incentives.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. The general court recognizes that an effective tool does not currently exist to measure the impact of tax credits relative to marginal behavior. The purpose of this act is to require the house ways and means committee to examine the issue and make recommendations concerning the long-term funding of tax credits.

2 Study. The house ways and means committee shall:

I. Catalog the current tax credits allowed by the state including their statutory authority, present cost, current level of activity, and accomplishments.

II. Define, develop, or clarify meaningful outcome criteria for measuring the effectiveness of these tax credits.

III. Examine whether any tax credits are duplicative or overlapping.

IV. Consider the extent to which each tax credit impacts upon state revenues.

V. Project return on investment for each tax credit.

VI. Develop recommendations for which tax credits should be continued, expanded, eliminated, consolidated, or added and what level of funding is desirable for each.

VII. Make any appropriate recommendations relative to long-term funding of these tax credits, including both the amount of funding required and the means to fund them.

3 Cooperation of the Department of Revenue Administration. The commissioner of the department of revenue administration, upon completion of the report required by RSA 77-A:5-a, shall provide to the house ways and means committee all data collected relative to tax credits.

4 Report. The house ways and means committee shall report its findings and recommendations to the speaker of the house, the senate president and the governor on or before March 1, 1995.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the house ways and means committee to study the impact of tax credits relative to marginal behavior.

REGULAR CALENDAR

SB 225-FN, relative to shoreland protection. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Appropriations: The amendment removes the \$92,000 appropriation and establishes two Environmentalist III positions in the Department of Environmental Services. Funding for the two additional positions will be accomplished through the next biennial budget process. The effective date is July 1, 1994. Vote 20-0.

Amendment (6251B)

Amend the bill by replacing all after section 22 with the following:

23 Positions Established. There is hereby established in the department of environmental services, 2 environmentalist III positions to perform public education and compliance with the provisions of RSA 483-B. The commissioner of the department of environmental services shall consider these positions for funding in the department's operating budget request to the governor for the biennium beginning July 1, 1995. Notwithstanding any other provisions of law to the contrary, these positions shall not be filled before July 1, 1995.

24 Contingency. If the positions established in section 23 are funded sections 1-22 of this act shall take effect at 12:01 a.m. on the date such funds are appropriated.

25 Effective Date.

I. Sections 1-22 of this act shall take effect as provided in section 24.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill:

I. Clarifies, corrects references and eliminates duplication to reflect amendments enacted in 1992.

II. Defines "mean high tide" according to current usage by the wetlands board.

III. Specifies where the use of fertilizers is prohibited.

IV. Substitutes the term "reference line" for "public boundary line."

V. Makes septic tank setback requirements consistent with existing subsurface sewage disposal rules.

VI. Establishes 2 environmentalist III positions at the department of environmental services. Adopted.

Report adopted and ordered to third reading.

SB 547-FN-A, authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Appropriations: The amendment establishes a nine-member committee to analyze Camp Alton and Patenaude's Pond in Boscawen and to recommend whether or not the state should acquire these two valuable properties. The analysis is to be conducted using the principles of acquisition established and proven by the Land Conservation Investment Program (LCIP). Also, \$5,000 is appropriated to cover the cost of appraisals, if required. Vote 20-0.

Amendment (6333B)

Amend the title of the bill by replacing it with the following:

AN ACT

encouraging the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and establishing a committee to study the acquisition of both properties and making an appropriation therefor.

Amend the bill by replacing all after section I with the following:

2 Committee Established. There is hereby established a committee to study the acquisition of recreational properties on Lake Winnepesaukee and Patenaude's Pond in Boscawen.

3 Membership. The members of the committee shall be:

I. Three house members, one of whom shall be from the resources, recreation and development committee, one from the wildlife and marine resources committee and one from the appropriations committee, appointed by the speaker of the house.

II. Two senators, appointed by the senate president.

III. The commissioner of the department of resources and economic development, or designee.

IV. The executive director of the fish and game department, or designee.

V. Two public members, appointed by the governor.

4 Acquisition Criteria and Guidelines. The criteria and guidelines used by the committee for acquiring the recreational properties provided in section 1 shall include, but shall not be limited to, the following:

I. The land is contiguous to or enhances land already protected from development.

II. The land protects a unique natural or recreational resource.

III. The land allows for public access, where appropriate.

IV. The land serves and is managed for multiple uses.

V. The land would be acquired through the use of gifts, donations, matching funds and other incentives before state funds should be expended.

VI. The land would help to provide an equitable distribution throughout the state of land protected by the state. Nothing in this section shall be construed to require that any property acquired under the provisions of this act meet all of the criteria listed in this section.

5 Meetings; Chair. The first-named senator shall call the first meeting within 30 days of the effective date of this act. The committee shall choose a chair from among its members at the first meeting.

6 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the president of the senate, the speaker of the house, and the governor on or before November 1, 1994.

7 Compensation. The committee members shall serve without compensation, except that legislative members shall receive mileage at the legislative rate.

8 Appropriation. The sum of \$5,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the committee established in section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. This sum shall be used for the purpose of independent appraisals of both properties. The committee may accept private donations for each appraisal and such sums so received are hereby appropriated for the purposes of this act.

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill encourages the commissioner of the department of resources and economic development to acquire the Camp Alton property in Alton, New Hampshire for use as a state park.

This bill also encourages the commissioner to acquire the Patenaude property and pond in Boscawen, for use as a state park or wildlife management area.

This bill establishes a committee to study the acquisition of both properties and makes an appropriation for this purpose. The committee shall report its findings and recommendations, including any proposed legislation, to the president of the senate, the speaker of the house, and the governor on or before November 1, 1994.

Adopted.

Report adopted and ordered to third reading.

SB 572-FN, relative to maximum benefit limitations under the New Hampshire retirement system. **OUGHT TO PASS**

Rep. Patricia A. Dowling for Appropriations: A one-time charge of \$3,000 is appropriated from the New Hampshire Retirement System administrative account in order to implement the provisions of this bill. Vote 20-0.

Adopted and ordered to third reading.

SB 625-FN-A, relative to an in-home care pilot program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: The committee amendment begins funding on October 1 in order to allow time to set up the program, and requires separate accounting of these funds and any surplus to lapse into the Health Care Transition Fund rather than the General Fund. The appropriation from the Health Care Transition Fund for FY '95 is \$587,500. Vote 15-6.

Amendment (6341B)

Amend the bill by replacing section 5 with the following:

5 Appropriation. The sum of \$412,500 for the fiscal year ending June 30, 1995, is appropriated to the division of elderly and adult services, department of health and human services for the purposes of implementing the pilot program established in section 2 of this act and for the purposes of strengthening the information and referral for community based care system required by section 4 of this act. The sum of \$175,000 for the fiscal year ending June 30, 1995, is appropriated to the division of human services, department of health and human services, for the purposes of implementing pre "home and community based care services" as required by section 3 of this act. The sums appropriated under this section shall be a charge against the health care transition fund, if established. Such appropriations shall be established in separate accounts and shall neither be transferred nor used for any other purpose. Unexpended balances shall lapse to the health care transition fund.

AMENDED ANALYSIS

This bill establishes a 2-year pilot program to implement an in-home care program for disabled adults and elderly persons requiring long-term support services.

The bill also directs the department of health and human services to establish additional services for pre "home and community based care services" to the elderly and disabled and to strengthen the information and referral component of the community based care.

The bill makes appropriations from the health care transition fund, if established, for the purposes of the bill.

Adopted.

Report adopted and ordered to third reading.

SB 632-FN-A, establishing a pilot program to disseminate from the Pease International Trade Center trade information to promote international trade and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Merle W. Schotanus for Appropriations: Although this bill addresses a vital ingredient needed to improve the state's ability to promote international trade, the committee concluded, on the basis of research and testimony, that the bill is premature. The Department of Resources and Economic Development has informed the committee of its intention to identify an optimum international trade information dissemination system and its costs, and request legislative action on its recommendations in the 1995 session. Vote 15-4.

Adopted.

SB 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul I. LaMott for Appropriations: The amendment changes the salary ranges of the commissioner of agriculture, state veterinarian, president of the technical institute, presidents of the technical colleges, and commissioner of post-secondary technical education. The amendment also appropriates \$683,283 from general funds to restock the department of corrections warehouse, recently destroyed by fire. Cost of the adjusted salaries is borne by the salary adjustment fund and post-secondary special account. Vote 13-7.

Amendment (6352B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the salary levels of the director of adult services/warden, commissioners of the department of corrections and agriculture, the state veterinarian, president of the technical institute, presidents of the technical colleges, and commissioner of postsecondary technical education and making a supplemental appropriation to the department of corrections.

Amend the bill by replacing all after the enacting clause with the following:
1 Salaries Increased. Amend RSA 94:1-a, I by:

I. Deleting in:

- (a) Group M, state veterinarian.
- (b) Group N, director of adult services/warden, department of corrections.
- (c) Group N, president of the technical institute.
- (d) Group N, presidents of the technical colleges.
- (e) Group N, commissioner of agriculture.
- (f) Group P, commissioner, corrections.
- (g) Group P, commissioner of postsecondary technical education.

II. Inserting in:

- (a) Group N, state veterinarian.
- (b) Group P, director of adult services/warden, department of corrections.
- (c) Group P, president of the technical institute.
- (d) Group P, presidents of the technical colleges.
- (e) Group O, commissioner of agriculture.
- (f) Group S, commissioner, corrections.
- (g) Group S, commissioner of postsecondary technical education.

2 Supplemental Appropriation; Department of Corrections. In addition to any other sums appropriated to the department of corrections, the sum of \$683,283 is hereby appropriated for the fiscal year ending June 30, 1994, for the purpose of replacing equipment and inventory destroyed as a result of the January 25, 1994, fire at the New Hampshire state prison warehouse. The governor is authorized to draw a warrant for said sum out any money in the treasury not otherwise appropriated.

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill changes the salary ranges of the director of adult services/warden, commissioners of the department of corrections and agriculture, the state veterinarian, president of the technical institute,

presidents of the technical colleges, and commissioner of postsecondary technical education.

This bill also makes a supplemental appropriation to the department of corrections to replace equipment and inventory lost in a fire.

Rep. Donna Sytek requested that the question be divided.

The Speaker ruled it was divisible.

Rep. Warburton moved that Section 1 of the amendment be Inexpedient to Legislate and spoke in favor.

Rep. LaMott spoke against and yielded to questions.

Reps. Kathleen Ward and Donna Sytek spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being to make Section 1 of the amendment Inexpedient to Legislate.

YEAS 221 - NAYS 105

YEAS 221

BELKNAP

Cain, Thomas
Johnson, Carl
Rosen, Ralph

Campbell, Richard, Jr.
Laflam, Robert
Slatiello, Thomas

Golden, Paul
Lawton, David
Smith, Linda

Hauck, William
Rice, Thomas, Jr.
Ziegra, Alice

CARROLL

Allard, Nanci
Lyman, L. Randy
Wiggin, Gordon

Bradley, Jeb
Mock, Henry

Chandler, Gene
Philbrick, Donald

Foster, Robert
Saunders, Howard

CHESHIRE

Avery, Stephen
Pearson, Gertrude
Smith, Edwin

Hunt, John
Perry, David

McNamara, Wanda
Pratt, Irene

Metzger, Katherine
Royce, H. Charles

COOS

Foss, Frederic

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Ham, Bonnie
Scanlan, David

Bean, Pamela
Driscoll, William
Hill, Richard
Teschner, Douglass

Brown, Alson
Eaton, Stephanie
McIlwaine, Deborah
Wadsworth, Karen

Brown, Channing
Gordon, Edward
Rose, William
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
Arnold, Barbara
Bowers, Dorothy
Chabot, Robert
Dodge, Emma
Emerton, Lawrence, Sr.
Gervais, Glen
Holden, Carol
Jean, Loren
L'Heureux, Robert
Martin, Mary Ellen
Messier, Irene
Morello, Michael
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Upton, Barbara

Allen, W. Gordon
Arnold, Thomas, Jr.
Burke, M. Virginia
Cowenhoven, Garret
Durham, Susan
Fields, Dennis
Greenberg, Gary
Holley, Sylvia
Johnson, Lionel
Lachut, Ervin
McCarty, Winston
Milligan, Robert
O'Hearn, Jane
Peters, Stanley
Rothhaus, Finlay
Soucy, Richard
Vanderlosk, Stanley

Amidon, Eleanor
Bergeron, Lucien
Calawa, Leon, Jr.
Daniels, Gary
Dyer, Merton
Franks, Suzan
Haettenschwiller, Alphonse
Hunter, Bruce
Kelley, Robert
Leclerc, Charles
McRae, Karen
Mittelman, David
Packard, Bonnie
Record, Alice
Sallada, Roland
Sullens, Joan
Wright, George

Andrews, Frederick
Bergeron, Normand
Cepaitis, Elizabeth
Desrosiers, William
Dykstra, Leona
Gagnon, Eugene
Hart, Nick
Jasper, Shawn
Kurk, Neal
Lozeau, Donnalee
Mercer, Robert
Moncrief, Keith
Paquette, Rodolphe
Rheault, Lillian
Sargent, Maxwell
Turgeon, Roland

MERRIMACK

Barberia, Richard
Chandler, John
Hager, Elizabeth
Kidder, William
Nichols, Avis
Willis, Jack

Buessing, Marjorie
Feuerstein, Martin
Hall, Douglas
Langer, Ray
Pfaff, Terence

Carter, Susan
Fillion, Paul
Johnson, C. William
Mitchell, Vernon
Shaw, Randall

Chandler, Earle
Gilbreth, Robert
Kennedy, Richard
Moore, Carol
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Coes, Betsy
Crossman, Harold, Jr.
Fesh, Robert
Gage, Beverly
Hurst, Sharleene
Kruse, Fred
Malcolm, Kenneth
Noyes, Richard

Arndt, Janet
Bove, Martin
Conroy, Janet
DiPietro, Carmela
Flanagan, Natalie
Gorman, Donald
Katsakiores, George
Lee, Rebecca
McKinney, Betsy
Packard, Sherman

Battles, Marjorie
Chester, Sherman
Cote, Charles
Dowd, Sandra
Flanders, David
Groves, Bonnie
Klemarczyk, Thaddeus
Lovejoy, Marian
Miller, Don
Pullman, Robert

Beaulieu, Jon
Clark, Vivian
Cote, Patricia
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Klemm, Arthur, Jr.
MacDonald, Maurice
Moore, Benjamin
Putnam, Ed, II

Raynowska, Bernard
Schanda, Joseph, Sr.
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

Richards, David
Senter, Marilyn
Stritch, C. Donald
Welch, David

Ritzo, Eugene
Skinner, Patricia
Sytek, Donna
Williamson, William

Rubin, George
Smith, Arthur
Sytek, John
Woods, Deborah

STRAFFORD

Brown, George
Dunlap, Patricia
Kincaid, William
Musler, George
Torr, Franklin

Brown, Julie
Hambrick, Patricia
Knowles, William
Pageotte, Donald
Wall, Janet

Callaghan, Frank
Hashem, Elaine
McCann, William, Jr.
Spear, Barbara
Wasson, Richard

Chagnon, Ronald
Keans, Sandra
McKinley, Robert
Torr, Ann

SULLIVAN

Behrens, Thomas
Palmer, Lorraine

Domini, Irene
Peyron, Fredrik

Flint, Gordon
Rodeschin, Beverly

Lindblade, Eric
Stamatakis, Carol

NAYS 105

BELKNAP

Bartlett, Gordon

Holbrook, Robert

Turner, Robert

CARROLL

None

CHESHIRE

Bonneau, Sarah
DePecol, Benjamin
McGuirk, Paul

Burnham, Daniel
Foster, Katherine
Richardson, Barbara

Champagne, Richard
Kingsbury, H. Thayer
Riley, William

Cole, Stacey
Lynch, Margaret
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Merrill, Gerald

Hawkinson, Marie
Pratt, Leighton

Mayhew, Josephine

GRAFTON

Below, Clifton
Guest, Robert
Trelfa, Richard

Chase, Paul, Jr.
LaMott, Paul

Copenhaver, Marion
Larson, Nils, Jr.

Crory, Elizabeth
Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard
Buckley, Raymond
Drabinowicz, A. Theresa
Gage, Ruth
Laughlin, J. Francis
Murphy, Robert
Reidy, Frank
White, John

Ahlgren, Madelyn
Clemons, Jane
Drolet, Paul
Hanselman, Gregory
Lown, Elizabeth
Nardi, Theodora
Soucy, Donna

Asselin, Robert
Cote, David
Ferguson, Charles
Jean, Claudette
Moore, Elizabeth
O'Rourke, Joanne
Toomey, Kathryn

Bagley, Amy
Daigle, Robert
Foster, Linda
Kirby, Thomas
Morrissette, Roland
Plourde, Alphonse
Wheeler, Robert

MERRIMACK

Daneault, Gabriel
Lockwood, Robert
Teague, Bert
Yeaton, Charles

Dunn, Miriam
Newland, Matthew
Trombly, Rick

French, Barbara
Owen, Derek
Wallner, Mary Jane

Johnson, Joyce May
Rogers, Katherine
Weeks, John, Jr.

ROCKINGHAM

Bell, Juanita
McGovern, Cynthia
Pratt, Katharin
Vaughn, Charles

Clark, Martha
Newman, Rick
Rosencrantz, James
Weyler, Kenneth

Johnson, Robert
O'Keefe, Patricia
St. Martin, Tommy

Kane, Cecelia
Pantelakos, Laura
Syracusa, Anthony

STRAFFORD

Douglass, Clyde
Loder, Suzanne
Merritt, Deborah
Sullivan, Henry

Gilmore, Gary
Lundborn, Raymond
Pelletier, Arthur
Wheeler, Katherine

Hemon, Roland
McGrath, J. Gregory
Rogers, Rose Marie

Hilliard, Dana
Merrill, Amanda
Snyder, Clair

SULLIVAN

Allison, David

Cloutier, John

Holl, Ann

Scholanus, Merle

and the motion was adopted.

Rep. Russell wished to be recorded in opposition.

The question now being the adoption of Sections 2 and 3 of the amendment.

Adopted.

Rep. Peter Burling declared a conflict of interest and did not participate.

LAIID ON THE TABLE

Rep. Franklin Torr moved that **SB 638-FN**, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections, be laid upon the table.

On a division vote, 234 members having voted in the affirmative and 90 in the negative, the motion was adopted.

REGULAR CALENDAR (Cont'd.)

SB 641-FN, relative to group II retirement system membership for peace officers in the division of safety services. **OUGHT TO PASS**

Rep. Arthur P. Klemm, Jr. for Appropriations: This bill adds two marine patrol officers employed in the Department of Safety who have all the powers of peace officers, to the definition of "permanent policemen" for purposes of Group II membership in the New Hampshire Retirement System. These two officers join four other marine patrolmen already in Group II. Vote 18-0.

Adopted and ordered to third reading.

SB 644-FN-A, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Appropriations: This bill appropriates \$20,000 from the highway fund for FY 1995 to the Department of Transportation for the purpose of standardizing signage to prevent route confusion by the traveling public. The signs are to be installed no later than July 1, 1995. Vote 20-0.

Amendment (6312B)

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$20,000 for the fiscal year ending June 30, 1995 is hereby appropriated to the department of transportation for the redesignation of a portion New Hampshire Route 51 as New Hampshire Route 101 pursuant to 1993, 314:1. This appropriation shall be a charge against the highway fund.

Adopted.

Report adopted and ordered to third reading.

SB 655-FN-A, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald P. Merrill for Appropriations: This bill appropriates \$56,000 to the Department of Resources and Economic Development to conduct a forest inventory analysis and requires a 4-to-1 (state-to-private) funding match. The funds appropriated in this section shall not be spent until such time as the commissioner of DRED certifies to the governor and council that the matching funds are available to the department. Vote 20-0.

Amendment (6236B)

Amend section 5 of the bill by replacing it with the following:

5 Appropriation.

I. The sum of \$56,000 is hereby appropriated to the department of resources and economic development, division of forest and lands for the biennium ending June 30, 1995, for the purposes enumerated in sections 3 and 4 of this act. This sum is in addition to any other sums appropriated to the department of resources and economic development, division of forest and lands. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The funds appropriated in this section shall not be spent, obligated, or encumbered until such time as the commissioner of the department of resources and economic development certifies to the governor and council that at least \$14,000 of matching private funds have been made available to the department.

III. The department shall submit quarterly progress reports to the fiscal committee of the general court.

Adopted.

Report adopted and ordered to third reading.

SB 669-FN-L, relative to creditable service under the retirement system for time during which a person is receiving workers' compensation. **OUGHT TO PASS**

Rep. Joanne A. O'Rourke for Appropriations: This bill allows a retirement system member to receive creditable service not in excess of one year for a period during which the member is receiving a weekly award for workers' compensation. Vote 13-5.

Adopted and ordered to third reading.

SB 702-FN-A, relative to congregate housing and making an appropriation therefor. **OUGHT TO PASS**

Rep. Charles W. Ferguson for Appropriations: The committee determined that spending \$225,000 would generate \$450,000 in federal housing funds for 80 units of housing. This bill makes possible the expansion of congregate housing to three other communities and could help reduce added costs to nursing homes which have required a supplemental budget appropriation this biennium. Vote 19-1.

Adopted and ordered to third reading.

SB 749-FN, relative to the workers' personal care assistance program. **INEXPEDIENT TO LEGISLATE**

Rep. Charles W. Ferguson for Appropriations: The committee heard testimony that persons with incomes of \$58,000 would be eligible to participate in the program by raising eligibility to \$25,000 after all taxes and disability expenses are deducted. The committee found that the department had no rules or regulations for considering a person's total assets, so a person could have \$1 million in assets and could qualify for care attendant. Present funding in the budget is \$10,000 and covers two persons currently in the program. The bill would increase that by 18 persons and costs of \$200,000 a year. Vote 12-8.

Adopted.

SB 753-FN-A-L, relative to promoting economic self-sufficiency for families receiving AFDC. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Dowling for Appropriations: This bill truly promotes economic self sufficiency for families receiving AFDC. It allows some additional child care for post-secondary education; it consolidates the shelter component of the AFDC standard of need and payment standard; and it allows AFDC recipients to participate in a privately administered self-employment program such as "working capital." The bill appropriates \$655,711 for FY '95. Vote 19-1.

Amendment (6311B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Economic Self-Sufficiency for AFDC Recipients. Amend RSA 167 by inserting after section 68 the following new subdivision:

Economic Self-Sufficiency for AFDC Recipients

167:69 Findings and Purpose. The general court finds that elements of the New Hampshire program for Aid to Families with Dependent Children (AFDC) have caused members of families receiving AFDC who attempt to enter the workforce to face program penalties at a time

when they should be receiving program support. Poor families can best be assisted in making a successful transition from public assistance to self-sufficiency when programs remove barriers and penalties for those who struggle for a better way of life for themselves and their children. Such persons should be provided financial and other self-development supports, including a range of educational and vocational training options needed to target well-paying employment opportunities. The following measures are intended to improve the rate at which low-income families are able to make the transition from public assistance to employment that produces a living wage. The following measures also simplify and streamline the AFDC eligibility determination process to decrease administrative costs and error rates and to allow greater agency focus on promoting long term self-sufficiency.

167:70 Rulemaking. The director of the division of human services shall adopt rules pursuant to RSA 541-A which:

I. Make available an additional year of child day care and transportation assistance for post-secondary education to JOBS program participants who have received the limit of support services under state policy as it existed in January 1, 1994, if job development and placement and job search activities are not sufficient to secure employment that produces a total household net income that meets the basic living needs of the household, and if it is determined that such additional assistance is consistent with the employability plan and would materially enhance the probability of securing adequate employment;

II. Extend AFDC-UP (Unemployed Parent) transitional assistance for a 6 month period after a principal wage earner begins working 100 hours or more a month if the family is still financially eligible for AFDC; and

III. Consolidate the shelter component and the maintenance component of the AFDC standard of need and payment standard, to simplify eligibility determination, reduce error rates, and to allow those who manage to save on their housing costs to realize a financial benefit from so doing.

IV. To the extent that federal law permits, the director of the division of human services shall also adopt rules pursuant to RSA 541-A which implement, as a component of the JOBS program, or the successor to the JOBS program, an option that allows AFDC recipients to fulfill JOBS requirements and receive JOBS services by participating in a privately administered and state approved self-employment investment program that provides small business loans of up to \$5,000 to enable participants to start micro-businesses, including in-home businesses. Participants shall receive case management, self-employment training and technical assistance, and supportive services funded through the JOBS program. These services may be provided on a contract basis by private, nonprofit agencies with access to loan capital. The director is authorized to seek, apply for, and receive private grants or charitable contributions in support of this program. Included in such rules shall be measures to:

(a) Allow individuals to set up a separate business bank account that is excluded from countable resources.

(b) Exclude business assets in determining resources under the asset limit.

(c) Allow self-employed individuals to use the accrual method of accounting, so that money in a bank account can be carried over and excluded from countable income as long as it can be matched with legitimate payables or forthcoming expenses, or saved in an unencumbered cash reserve, to be used for future investment in the business.

(d) Modify the definitions of "capital assets" and "tools of the trade" to allow self-employed individuals the maximum flexibility in acquiring assets.

2 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:70, I as inserted by section 1 of this act, which shall be the maximum amount available for such purposes. The sum of \$32,918 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:70, II as inserted by section 1 of this act. The sum of \$472,793 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:70, III, as inserted by section 1 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill provides for the simplification of AFDC eligibility determination procedures to decrease administrative costs and error rates.

This bill also requires that AFDC rules be amended to permit more AFDC recipients to participate in privately administered self-employment investment programs.

This bill makes an appropriation to the department of health and human services, division of human services, for the purposes of this act.

Adopted.

Rep. Frances Riles spoke against the amended Committee report.

Rep. Douglas Hall spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 212 - NAYS 120

YEAS 212

BELKNAP

Cain, Thomas	Campbell, Richard, Jr.	Holbrook, Robert	Salatiello, Thomas
Ziegra, Alice			

CARROLL

Allard, Nanci	Dickinson, Howard, Jr.	Foster, Robert
---------------	------------------------	----------------

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
DePecol, Benjamin	Foster, Katherine	Kingsbury, H. Thayer	Lynch, Margaret
McGuirk, Paul	Metzger, Katherine	Pearson, Gertrude	Perry, David
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Smith, Edwin	

COOS

Bradley, Paula	Coulombe, Henry	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mayhew, Josephine	Mears, Edgar	Merrill, Gerald

GRAFTON

Bean, Pamela	Below, Clifton	Brown, Channing	Brown, Patricia
Copenhaver, Marion	Crory, Elizabeth	Driscoll, William	Guest, Robert
Ham, Bonnie	Larson, Nils, Jr.	McIlwaine, Deborah	Nordgren, Sharon
Scanlan, David	Teschner, Douglass	Telfa, Richard	Wadsworth, Karen
Ward, Kathleen			

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Ahrens, Frederick	Allen, W. Gordon
Amidon, Eleanor	Arnold, Barbara	Asselin, Robert	Bagley, Amy
Bergeron, Lucien	Bergeron, Normand	Bowers, Dorothy	Buckley, Raymond
Cepaitis, Elizabeth	Clemons, Jane	Cote, David	Crotty, Edward
Drabinowicz, A. Theresa	Drolet, Paul	Durham, Susan	Dyer, Merton
Ferguson, Charles	Fields, Dennis	Foster, Linda	Franks, Suzan
Gage, Ruth	Gagnon, Eugene	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Hart, Nick	Holden, Carol	Jean, Claudette
Johnson, Lionel	Kelley, Robert	Kirby, Thomas	L'Heureux, Robert
Lachut, Ervin	Laughlin, J. Francis	Lown, Elizabeth	Lozeau, Donnalee
Mercer, Robert	Messier, Irene	Morrisette, Roland	Murphy, Robert
Nardi, Theodora	O'Rourke, Joanne	Packard, Bonnie	Paquette, Rodolphe
Perkins, Paul	Peters, Stanley	Plourde, Alphonse	Record, Alice
Reidy, Frank	Rothhaus, Finlay	Sallada, Roland	Sargent, Maxwell
Searles, Stanley, Sr.	Smith, Leonard	Soucy, Donna	Toomey, Kathryn
Turgeon, Roland	Vanderlosk, Stanley	Wheeler, Robert	White, John

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Hall, Douglas
Lockwood, Robert
Nichols, Avis
Shaw, Randall
Ward, Jay

Carter, Susan
Feuerstein, Martin
Johnson, C. William
Mitchell, Vernon
Owen, Derek
Teague, Bert
Weeks, John, Jr.

Chandler, John
Fillion, Paul
Johnson, Joyce May
Moore, Carol
Pfaff, Terence
Trombly, Rick
Yeaton, Charles

Daneault, Gabriel
French, Barbara
Kidder, William
Newland, Matthew
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Gage, Beverly
Kane, Cecelia
Lovejoy, Marian
O'Keefe, Patricia
Senter, Merilyn
Vaughn, Charles

Bove, Martin
Conroy, Janet
Groves, Bonnie
Klemarczyk, Thaddeus
MacDonald, Maurice
Pantelakos, Laura
Skinner, Patricia
Weyler, Kenneth

Clark, Martha
Dowd, Sandra
Hurst, Sharleene
Klemm, Arthur, Jr.
Miller, Don
Pratt, Katharin
St. Martin, Tommy
Woods, Deborah

Clark, Vivian
Flanagan, Natalie
Johnson, Robert
Lee, Rebecca
Newman, Rick
Rosencrantz, James
Syracusa, Anthony

STRAFFORD

Brown, George
Gilmore, Gary
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Snyder, Clair
Torr, Franklin

Brown, Julie
Hambrick, Patricia
Keans, Sandra
McCann, William, Jr.
Musler, George
Spear, Barbara
Wall, Janet

Chagnon, Ronald
Hashem, Elaine
Knowles, William
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry
Wheeler, Katherine

Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Rogers, Rose Marie
Torr, Ann

SULLIVAN

Allison, David
Flint, Gordon
Peyron, Fredrik

Behrens, Thomas
Holl, Ann
Schotanus, Merle

Burling, Peter
Lindblade, Eric
Stamatakis, Carol

Cloutier, John
Palmer, Lorraine

NAYS 120**BELKNAP**

Bartlett, Gordon
Lafam, Robert
Turner, Robert

Golden, Paul
Lawton, David
Young, Niel

Hauck, William
Rosen, Ralph

Johnson, Carl
Smith, Linda

CARROLL

Bradley, Jeb
Philbrick, Donald

Chandler, Gene
Saunders, Howard

Lyman, L. Randy
Wiggin, Gordon

Mock, Henry

CHESHIRE

Cole, Stacey

Hunt, John

McNamara, Wanda

COOS

Foss, Frederic

Pratt, Leighton

GRAFTON

Adams, Carl
Gordon, Edward

Brown, Alson
Hill, Richard

Chase, Paul, Jr.
LaMott, Paul

Eaton, Stephanie
Rose, William

HILLSBOROUGH

Andrews, Frederick
Chabot, Robert
Desrosiers, William

Arnold, Thomas, Jr.
Cowenhoven, Garret
Dodge, Emma

Burke, M. Virginia
Daigle, Robert
Dykstra, Leona

Calawa, Leon, Jr.
Daniels, Gary
Emerton, Lawrence, Sr.

Gervais, Glen
Jasper, Shawn
McCarty, Winston
Moncrief, Keith
Rheault, Lillian
Upton, Barbara

Greenberg, Gary
Jean, Loren
McRae, Karen
Morello, Michael
Riley, Frances
Wright, George

Holley, Sylvia
Kurk, Neal
Milligan, Robert
O'Hearn, Jane
Soucy, Richard

Hunter, Bruce
Leclerc, Charles
Mittelman, David
Pepino, Leo
Sullens, Joan

MERRIMACK

Barberia, Richard
Kennedy, Richard

Buessing, Marjorie
Langer, Ray

Chandler, Earle
Whalley, Michael

Gilbreth, Robert
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Crossman, Harold, Jr.
Felch, Charles, Sr.
Gorman, Donald
Malcolm, Kenneth
Packard, Sherman
Richards, David
Smith, Arthur
Sytek, John

Arndt, Janet
Chester, Sherman
DiPietro, Carmela
Fesh, Robert
Hemenway, Thomas
McKinney, Betsy
Pullman, Robert
Ritzo, Eugene
Stone, Joseph
Warburton, Calvin

Battles, Marjorie
Cote, Charles
Drake, Herbert
Flanders, David
Katsakiores, George
Moore, Benjamin
Putnam, Ed, II
Rubin, George
Stritch, C. Donald
Williamson, William

Beaulieu, Jon
Cote, Patricia
Dube, LeRoy
Flanders, John, Sr.
Kruse, Fred
Noyes, Richard
Raynowska, Bernard
Schanda, Joseph, Sr.
Sytek, Donna
Yennaco, Carol

STRAFFORD

Callaghan, Frank
Pageotte, Donald

Douglass, Clyde
Wasson, Richard

Kincaid, William

McKinley, Robert

SULLIVAN

Domini, Irene

Rodeschin, Beverly

and the report was adopted.

Ordered to third reading.

Rep. Elizabeth Moore wished to be recorded in favor.

Rep. Rothhaus voted yea and intended to vote nay.

SB 758-FN, relative to a civil filing fee surcharge for civil legal assistance to low-income persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Appropriations: The majority of the committee felt that civil legal assistance to low-income people was a worthy cause and should be funded by a civil filing fee. Vote 19-0.

Rep. Gordon moved that the words Ought to Pass be substituted for the report of the Committee, Ought to Pass with Amendment and, spoke in favor.

Rep. Robert Wheeler spoke against and yielded to questions.

Rep. Franklin Torr yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion of Ought to Pass.

YEAS 120 - NAYS 216

YEAS 120

BELKNAP

Lawton, David

CARROLL

Mock, Henry

CHESHIRE

Avery, Stephen
Foster, Katherine
Pearson, Gertrude

Bonneau, Sarah
Kingsbury, H. Thayer
Pratt, Irene

Champagne, Richard
McNamara, Wanda
Russell, Ronald

DePecol, Benjamin
Metzger, Katherine

COOS

Bradley, Paula

Mayhew, Josephine

GRAFTON

Copenhaver, Marion

Crory, Elizabeth

Eaton, Stephanie

Gordon, Edward

Guest, Robert

Ham, Bonnie

Larson, Nils, Jr.

Nordgren, Sharon

Rose, William

HILLSBOROUGH

Ahern, Richard

Ahlgren, Madelyn

Asselin, Robert

Bergeron, Normand

Chabot, Robert

Cowenhoven, Garret

Crotty, Edward

Daigle, Robert

Drabinowicz, A. Theresa

Dykstra, Leona

Hall, Betty

Jean, Claudette

Kirby, Thomas

Laughlin, J. Francis

Leclerc, Charles

Martin, Mary Ellen

Milligan, Robert

Moncrief, Keith

Morrisette, Roland

Murphy, Robert

Perkins, Paul

Reidy, Frank

Rheault, Lillian

Rothhaus, Finlay

Sallada, Roland

Soucy, Donna

Toomey, Kathryn

Turgeon, Roland

Upton, Barbara

White, John

MERRIMACK

Barberia, Richard

Braiterman, Thea

Chandler, John

Daneault, Gabriel

Feuerstein, Martin

French, Barbara

Gilbreth, Robert

Johnson, Joyce May

Moore, Carol

Newland, Matthew

Nichols, Avis

Owen, Derek

Wallner, Mary Jane

Ward, Jay

Weeks, John, Jr.

Yeaton, Charles

ROCKINGHAM

Battles, Marjorie

Boucher, William

Bove, Martin

Clark, Martha

Conroy, Janet

Cote, Charles

Crossman, Harold, Jr.

Fesh, Robert

Flanagan, Natalie

Hemenway, Thomas

Hurst, Sharleene

Malcolm, Kenneth

McGovern, Cynthia

McKinney, Betsy

Moore, Benjamin

Noyes, Richard

Raynowska, Bernard

Ritzo, Eugene

Rosencrantz, James

Rubin, George

St. Martin, Tommy

Stone, Joseph

Stritch, C. Donald

Syracusa, Anthony

Warburton, Calvin

Williamson, William

Woods, Deborah

STRAFFORD

Callaghan, Frank

Dunlap, Patricia

Hambrick, Patricia

Hashem, Elaine

Hemon, Roland

Hilliard, Dana

Keans, Sandra

Loder, Suzanne

Lundborn, Raymond

McCann, William, Jr.

McGrath, J. Gregory

Merrill, Amanda

Merritt, Deborah

Pelletier, Arthur

Sullivan, Henry

Wall, Janet

Wheeler, Katherine

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Flint, Gordon

Holl, Ann

Palmer, Lorraine

NAYS 216**BELKNAP**

Bartlett, Gordon

Cain, Thomas

Campbell, Richard, Jr.

Golden, Paul

Hauck, William

Holbrook, Robert

Johnson, Carl

Laffam, Robert

Rice, Thomas, Jr.

Rosen, Ralph

Salatiello, Thomas

Smith, Linda

Turner, Robert

Young, Niel

Ziegler, Alice

CARROLL

Allard, Nanci

Bradley, Jeb

Chandler, Gene

Dickinson, Howard, Jr.

Foster, Robert

Lyman, L. Randy

Philbrick, Donald

Wiggin, Gordon

CHESHIRE

Burnham, Daniel

Cole, Stacey

Hunt, John

Lynch, Margaret

McGuirk, Paul

Perry, David

Richardson, Barbara

Riley, William

Robertson, Timothy

Royce, H. Charles

Smith, Edwin

COOS

Coulombe, Henry
Mears, Edgar

Foss, Frederic
Merrill, Gerald

Hawkinson, Marie
Pratt, Leighton

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Channing
Hill, Richard
Trelfa, Richard

Bean, Pamela
Brown, Patricia
LaMott, Paul
Wadsworth, Karen

Below, Clifton
Chase, Paul, Jr.
Scanlan, David
Ward, Kathleen

Brown, Alson
Driscoll, William
Teschner, Douglass

HILLSBOROUGH

Ahrens, Frederick
Arnold, Barbara
Bowers, Dorothy
Cepaitis, Elizabeth
Desrosiers, William
Dyer, Merton
Foster, Linda
Gervais, Glen
Hart, Nick
Hunter, Bruce
Kelley, Robert
Lown, Elizabeth
Mercer, Robert
Morello, Michael
Packard, Bonnie
Plourde, Alphonse
Searles, Stanley, Sr.
Vanderlosk, Stanley

Allen, W. Gordon
Arnold, Thomas, Jr.
Buckley, Raymond
Clemons, Jane
Dodge, Emma
Emerton, Lawrence, Sr.
Franks, Suzan
Greenberg, Gary
Holden, Carol
Jasper, Shawn
Kurk, Neal
Lozeau, Donnalee
Messier, Irene
Nardi, Theodora
Paquette, Rodolphe
Record, Alice
Smith, Leonard
Wells, Peter, Sr.

Amidon, Eleanor
Bagley, Amy
Burke, M. Virginia
Cote, David
Drolet, Paul
Ferguson, Charles
Gage, Ruth
Haettenschwiller, Alphonse
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
McCarty, Winston
Mittelman, David
O'Hearn, Jane
Pepino, Leo
Riley, Frances
Soucy, Richard
Wheeler, Robert

Andrews, Frederick
Bergeron, Lucien
Calawa, Leon, Jr.
Daniels, Gary
Durham, Susan
Fields, Dennis
Gagnon, Eugene
Hanselman, Gregory
Holt, David
Johnson, Lionel
Lachut, Ervin
McRae, Karen
Moore, Elizabeth
O'Rourke, Joanne
Peters, Stanley
Sargent, Maxwell
Sullens, Joan
Wright, George

MERRIMACK

Buessing, Marjorie
Fillion, Paul
Kidder, William
Pflaff, Terence
Trombly, Rick

Carter, Susan
Hager, Elizabeth
Langer, Ray
Rogers, Katherine
Whalley, Michael

Chandler, Earle
Hall, Douglas
Lockwood, Robert
Shaw, Randall
Willis, Jack

Dunn, Miriam
Johnson, C. William
Mitchell, Vernon
Teague, Bert

ROCKINGHAM

Aranda, M. Kathryn
Christie, Andrew, Jr.
DiPietro, Carmela
Felch, Charles, Sr.
Gorman, Donald
Katsakiores, George
Kruse, Fred
Miller, Don
Pantelakos, Laura
Richards, David
Smith, Arthur
Welch, David

Arndt, Janet
Clark, Vivian
Dowd, Sandra
Flanders, David
Groves, Bonnie
Katsakiores, Phyllis
Lee, Rebecca
Newman, Rick
Pratt, Katharin
Schanda, Joseph, Sr.
Sytek, Donna
Weyler, Kenneth

Beaulieu, Jon
Coes, Betsy
Drake, Herbert
Flanders, John, Sr.
Johnson, Robert
Klemarczyk, Thaddeus
Lovejoy, Marian
O'Keefe, Patricia
Pullman, Robert
Senter, Merilyn
Sytek, John
Yennaco, Carol

Bell, Juanita
Cote, Patricia
Dube, LeRoy
Gage, Beverly
Kane, Cecelia
Klemm, Arthur, Jr.
MacDonald, Maurice
Packard, Sherman
Putnam, Ed, II
Skinner, Patricia
Vaughn, Charles

STRAFFORD

Brown, Julie
Kincaid, William
Pageotte, Donald
Torr, Ann

Chagnon, Ronald
Knowles, William
Rogers, Rose Marie
Torr, Franklin

Douglass, Clyde
McKinley, Robert
Snyder, Clair
Wasson, Richard

Gilmore, Gary
Musler, George
Spear, Barbara

SULLIVAN

Behrens, Thomas	Domini, Irene	Lindblade, Eric	Peyron, Fredrik
Rodeschin, Beverly	Schotanus, Merle	Stamatakis, Carol	

and the motion failed.

Rep. Kurk moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Reps. Trombly and Lown spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion of Inexpedient to Legislate.

YEAS 119 - NAYS 221**YEAS 119****BELKNAP**

Campbell, Richard, Jr.	Golden, Paul	Hauck, William	Laflam, Robert
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda
Turner, Robert	Young, Niel	Ziegler, Alice	

CARROLL

Allard, Nanci	Chandler, Gene	Lyman, L. Randy	Mock, Henry
Philbrick, Donald	Wiggin, Gordon		

CHESHIRE

Avery, Stephen	McNamara, Wanda	Pearson, Gertrude	Perry, David
Smith, Edwin			

COOS

Foss, Frederic	Guay, Lawrence	Pratt, Leighton
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GRAFTON

Chase, Paul, Jr.	Eaton, Stephanie	Hill, Richard	Rose, William
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HILLSBOROUGH

Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.	Bowers, Dorothy
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Cowenhoven, Garret
Daniels, Gary	Desrosiers, William	Dodge, Emma	Dykstra, Leona
Emerton, Lawrence, Sr.	Holley, Sylvia	Holt, David	Hunter, Bruce
Jasper, Shawn	Jean, Loren	Kurk, Neal	McCarty, Winston
Mercer, Robert	Mittelman, David	Moncrief, Keith	Morello, Michael
Record, Alice	Rheault, Lillian	Riley, Frances	Rothhaus, Finlay
Sallada, Roland	Searles, Stanley, Sr.	Sullens, Joan	Upton, Barbara
Vanderlosk, Stanley	Wells, Peter, Sr.	Wright, George	

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Chandler, John	Kennedy, Richard
Langer, Ray	Nichols, Avis	Shaw, Randall	Whalley, Michael
Willis, Jack			

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Boucher, William
Bove, Martin	Chester, Sherman	Clark, Vivian	Conroy, Janet
Cote, Patricia	Dowd, Sandra	Dube, LeRoy	Fesh, Robert
Flanagan, Natalie	Flanders, David	Gage, Beverly	Gorman, Donald
Hemenway, Thomas	Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy
Miller, Don	Moore, Benjamin	Noyes, Richard	Packard, Sherman
Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Rubin, George	Schanda, Joseph, Sr.	Smith, Arthur	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Sytek, John	Warburton, Calvin
Williamson, William	Yennaco, Carol		

STRAFFORD

Douglass, Clyde
Spear, Barbara

McKinley, Robert
Wasson, Richard

Musler, George

Pageotte, Donald

SULLIVAN

Domini, Irene

Rodeschin, Beverly

NAYS 221**BELKNAP**

Bartlett, Gordon
Salatiello, Thomas

Cain, Thomas

Holbrook, Robert

Johnson, Carl

CARROLL

Bradley, Jeb

Dickinson, Howard, Jr.

Foster, Robert

CHESHIRE

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Richardson, Barbara
Russell, Ronald

Burnham, Daniel
Foster, Katherine
McGuirk, Paul
Riley, William

Champagne, Richard
Hunt, John
Metzger, Katherine
Robertson, Timothy

Cole, Stacey
Kingsbury, H. Thayer
Pratt, Irene
Royce, H. Charles

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Channing
Driscoll, William
LaMott, Paul
Scanlan, David
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Gordon, Edward
Larson, Nils, Jr.
Teschner, Douglass

Below, Clifton
Copenhaver, Marion
Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Brown, Alson
Crory, Elizabeth
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Amidon, Eleanor
Bergeron, Normand
Cote, David
Drolet, Paul
Fields, Dennis
Gagnon, Eugene
Hall, Betty
Jean, Claudette
L'Heureux, Robert
Lown, Elizabeth
Messier, Irene
Murphy, Robert
Packard, Bonnie
Peters, Stanley
Smith, Leonard
Turgeon, Roland

Ahlgren, Madelyn
Asselin, Robert
Buckley, Raymond
Crotty, Edward
Durham, Susan
Foster, Linda
Gervais, Glen
Hanselman, Gregory
Johnson, Lionel
Lachut, Ervin
Lozeau, Donnalee
Milligan, Robert
Nardi, Theodora
Paquette, Rodolphe
Plourde, Alphonse
Soucy, Donna
Wheeler, Robert

Ahrens, Frederick
Bagley, Amy
Chabot, Robert
Daigle, Robert
Dyer, Merton
Franks, Suzan
Greenberg, Gary
Hart, Nick
Kelley, Robert
Laughlin, J. Francis
Martin, Mary Ellen
Moore, Elizabeth
O'Hearn, Jane
Pepino, Leo
Reidy, Frank
Soucy, Richard
White, John

Allen, W. Gordon
Bergeron, Lucien
Clemons, Jane
Drabinowicz, A. Theresa
Ferguson, Charles
Gage, Ruth
Haettenschwiller, Alphonse
Holden, Carol
Kirby, Thomas
Leclerc, Charles
McRae, Karen
Morrisette, Roland
O'Rourke, Joanne
Perkins, Paul
Sargent, Maxwell
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Gilbreth, Robert

Carter, Susan
Feuerstein, Martin
Hager, Elizabeth

Chandler, Earle
Fillion, Paul
Hall, Douglas

Daneault, Gabriel
French, Barbara
Johnson, C. William

Johnson, Joyce May
Moore, Carol
Rogers, Katherine
Ward, Jay

Kidder, William
Newland, Matthew
Teague, Bert
Weeks, John, Jr.

Lockwood, Robert
Owen, Derek
Trombly, Rick
Yeaton, Charles

Mitchell, Vernon
Pfaff, Terence
Wallner, Mary Jane

ROCKINGHAM

Battles, Marjorie
Coes, Betsy
Drake, Herbert
Johnson, Robert
Klemarczyk, Thaddeus
MacDonald, Maurice
Pantelakos, Laura
Senter, Marilyn
Vaughn, Charles

Bell, Juanita
Cote, Charles
Flanders, John, Sr.
Kane, Cecelia
Klemm, Arthur, Jr.
McGovern, Cynthia
Pratt, Katharin
Skinner, Patricia
Welch, David

Christie, Andrew, Jr.
Crossman, Harold, Jr.
Groves, Bonnie
Katsakiores, George
Kruse, Fred
Newman, Rick
Ritzo, Eugene
St. Martin, Tommy
Weyler, Kenneth

Clark, Martha
DiPietro, Carmela
Hurst, Sharleene
Katsakiores, Phyllis
Lee, Rebecca
O'Keefe, Patricia
Rosencrantz, James
Syracusa, Anthony
Woods, Deborah

STRAFFORD

Brown, George
Dunlap, Patricia
Hemon, Roland
Knowles, William
McGrath, J. Gregory
Rogers, Rose Marie
Torr, Franklin

Brown, Julie
Gilmore, Gary
Hilliard, Dana
Loder, Suzanne
Merrill, Amanda
Snyder, Clair
Wall, Janet

Callaghan, Frank
Hambrick, Patricia
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Sullivan, Henry
Wheeler, Katherine

Chagnon, Ronald
Hashem, Elaine
Kincaid, William
McCann, William, Jr.
Pelletier, Arthur
Torr, Ann

SULLIVAN

Allison, David
Flint, Gordon
Peyron, Fredrik

Behrens, Thomas
Holl, Ann
Schotanus, Merle

Burling, Peter
Lindblade, Eric
Stamatakis, Carol

Cloutier, John
Palmer, Lorraine

and the motion failed.

Amendment (6325B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a civil filing fee surcharge for civil
legal assistance to low-income persons.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Additional Fees in Civil Actions; Legal Assistance to Low-Income Persons.
Amend RSA 490 by inserting after section 26-f the following new section:

490:26-g Additional Fees in Civil Actions. In addition to the entry fees established by the supreme court pursuant to RSA 490:26-a, an entry fee surcharge of \$5 shall be collected by the clerk of court in all civil actions filed in the municipal, district, superior, and probate courts. The amounts so collected shall be paid by the clerk of court to the state treasurer and credited to a special account in the state treasury. This account shall be nonlapsing. The state treasurer shall remit quarterly to New Hampshire Legal Assistance all the funds received from the clerks of court. New Hampshire Legal Assistance shall use any funds received pursuant to this section for the provision of civil legal representation to low-income persons in the state.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides for a filing fee surcharge in civil cases to fund civil legal assistance to low-income persons through New Hampshire Legal Assistance.

Adopted.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 212 NAYS 127**YEAS 212****BELKNAP**

Cain, Thomas
Sataliello, Thomas

Holbrook, Robert

Johnson, Carl

Laflam, Robert

CARROLL

Bradley, Jeb

Dickinson, Howard, Jr.

Foster, Robert

CHESHIRE

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Richardson, Barbara
Russell, Ronald

Burnham, Daniel
Foster, Katherine
McGuirk, Paul
Riley, William

Champagne, Richard
Hunt, John
Metzger, Katherine
Robertson, Timothy

Cole, Stacey
Kingsbury, H. Thayer
Pratt, Irene
Royce, H. Charles

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Channing
Cory, Elizabeth
LaMott, Paul
Scanlan, David
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Driscoll, William
Larson, Nils, Jr.
Teschner, Douglass

Below, Clifton
Chase, Paul, Jr.
Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Brown, Alson
Copenhaver, Marion
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Asselin, Robert
Buckley, Raymond
Daigle, Robert
Dyer, Merton
Franks, Suzan
Greenberg, Gary
Hart, Nick
Kelley, Robert
Laughlin, J. Francis
Messier, Irene
Murphy, Robert
Packard, Bonnie
Reidy, Frank
Soucy, Donna
Wheeler, Robert

Ahlgren, Madelyn
Bagley, Amy
Clemons, Jane
Drabinowicz, A. Theresa
Ferguson, Charles
Gage, Ruth
Haettenschwiller, Alphonse
Holden, Carol
Kirby, Thomas
Lown, Elizabeth
Milligan, Robert
Nardi, Theodora
Paquette, Rodolphe
Rheault, Lillian
Soucy, Richard
White, John

Allen, W. Gordon
Bergeron, Lucien
Cole, David
Drolet, Paul
Fields, Dennis
Gagnon, Eugene
Hall, Betty
Jean, Claudette
L'Heureux, Robert
Lozeau, Donnalee
Moore, Elizabeth
O'Hearn, Jane
Peters, Stanley
Sargent, Maxwell
Toomey, Kathryn

Amidon, Eleanor
Bergeron, Normand
Crotty, Edward
Durham, Susan
Foster, Linda
Gervais, Glen
Hanselman, Gregory
Johnson, Lionel
Lachut, Ervin
Martin, Mary Ellen
Morrisette, Roland
O'Rourke, Joanne
Plourde, Alphonse
Smith, Leonard
Turgeon, Roland

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Hager, Elizabeth
Kennedy, Richard
Moore, Carol
Rogers, Katherine
Ward, Jay

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Kidder, William
Newland, Matthew
Teague, Bert
Weeks, John, Jr.

Chandler, Earle
Fillion, Paul
Johnson, C. William
Lockwood, Robert
Owen, Derek
Trombly, Rick
Yeaton, Charles

Daneault, Gabriel
French, Barbara
Johnson, Joyce May
Mitchell, Vernon
Pfaff, Terence
Wallner, Mary Jane

ROCKINGHAM

Battles, Marjorie
Coes, Betsy
Flanders, John, Sr.

Bell, Juanita
Cote, Charles
Gage, Beverly

Christie, Andrew, Jr.
Crossman, Harold, Jr.
Groves, Bonnie

Clark, Martha
DiPietro, Carmela
Hurst, Sharleene

Johnson, Robert
Klemarczyk, Thaddeus
MacDonald, Maurice
Pantelakos, Laura
Skinner, Patricia
Woods, Deborah

Kane, Cecelia
Klemm, Arthur, Jr.
McGovern, Cynthia
Pratt, Katharin
Syracusa, Anthony

Katsakiores, George
Kruse, Fred
Newman, Rick
Rosencrantz, James
Vaughn, Charles

Katsakiores, Phyllis
Lee, Rebecca
O'Keefe, Patricia
Senter, Merilyn
Weyler, Kenneth

STRAFFORD

Brown, George
Dunlap, Patricia
Hemon, Roland
Knowles, William
McGrath, J. Gregory
Rogers, Rose Marie
Torr, Franklin

Brown, Julie
Gilmore, Gary
Hilliard, Dana
Loder, Suzanne
Merrill, Amanda
Snyder, Clair
Wall, Janet

Callaghan, Frank
Hambrick, Patricia
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Sullivan, Henry
Wheeler, Katherine

Chagnon, Ronald
Hashem, Elaine
Kincaid, William
McCann, William, Jr.
Pelletier, Arthur
Torr, Ann

SULLIVAN

Allison, David
Flint, Gordon
Schotanus, Merle

Behrens, Thomas
Lindblade, Eric
Stamatakis, Carol

Burling, Peter
Palmer, Lorraine

Cloutier, John
Peyron, Fredrik

NAYS 127

BELKNAP

Bartlett, Gordon
Lawton, David
Turner, Robert

Campbell, Richard, Jr.
Rice, Thomas, Jr.
Young, Niel

Golden, Paul
Rosen, Ralph
Ziegra, Alice

Hauck, William
Smith, Linda

CARROLL

Allard, Nanci
Philbrick, Donald

Chandler, Gene
Wiggin, Gordon

Lyman, L. Randy

Mock, Henry

CHESHIRE

Avery, Stephen
Smith, Edwin

McNamara, Wanda

Pearson, Gertrude

Perry, David

COOS

Foss, Frederic

Guay, Lawrence

Pratt, Leighton

GRAFTON

Eaton, Stephanie

Gordon, Edward

Hill, Richard

Rose, William

HILLSBOROUGH

Andrews, Frederick
Burke, M. Virginia
Cowenhoven, Garret
Dykstra, Leona
Hunter, Bruce
Leclerc, Charles
Mittelman, David
Perkins, Paul
Sallada, Roland
Vanderlosk, Stanley

Arnold, Barbara
Calawa, Leon, Jr.
Daniels, Gary
Emerton, Lawrence, Sr.
Jasper, Shawn
McCarty, Winston
Moncrief, Keith
Record, Alice
Searles, Stanley, Sr.
Wells, Peter, Sr.

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Desrosiers, William
Holley, Sylvia
Jean, Loren
McRae, Karen
Morello, Michael
Riley, Frances
Sullens, Joan
Wright, George

Bowers, Dorothy
Chabot, Robert
Dodge, Emma
Holt, David
Kurk, Neal
Mercer, Robert
Pepino, Leo
Rothhaus, Finlay
Upton, Barbara

MERRIMACK

Barberia, Richard
Langer, Ray
Willis, Jack

Buessing, Marjorie
Nichols, Avis

Chandler, John
Shaw, Randall

Gilbreth, Robert
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Boucher, William
Bove, Martin	Chester, Sherman	Clark, Vivian	Conroy, Janet
Cote, Patricia	Dowd, Sandra	Drake, Herbert	Dube, LeRoy
Fesh, Robert	Flanagan, Natalie	Flanders, David	Gorman, Donald
Hemenway, Thomas	Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy
Miller, Don	Moore, Benjamin	Noyes, Richard	Packard, Sherman
Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Ritzo, Eugene	Rubin, George	Schanda, Joseph, Sr.	Smith, Arthur
St. Martin, Tommy	Stone, Joseph	Stritch, C. Donald	Sytek, Donna
Sytek, John	Warburton, Calvin	Welch, David	Williamson, William
Yennaco, Carol			

STRAFFORD

Douglass, Clyde	McKinley, Robert	Musler, George	Pageotte, Donald
Spears, Barbara	Wasson, Richard		

SULLIVAN

Domini, Irene	Holl, Ann	Rodeschin, Beverly
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and the amended Committee report was adopted.

Ordered to third reading.

Rep. Perkins voted nay and intended to vote yea.

RECESS**(Speaker Burns in the Chair)**

SB 759-FN-A, relative to child support and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: The committee amendment removes the proposed food-stamp benefit and authorizes the establishment of 26 additional child-support positions. For this purpose, \$302,910 is appropriated from the General Fund in FY '95. However, the amendment also reduces General Fund appropriations for AFDC by more than \$700,000 to reflect the additional child support revenue being collected by the Child Support Enforcement Office. In total, then, the bill is a net plus to the General Fund budget. Vote 18-2.

Amendment (6357B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Assignment of Right of Support Enforcement. Amend RSA 161-C:22 by inserting after paragraph II the following new paragraphs:

III. When an assignment of support rights has terminated and the obligor and the recipient reunite, the obligor may request a suspension of the collection of a support debt under RSA 161-C:4 and the office of child support enforcement services shall not take any action to collect such a debt for so long as the family remains reunited, provided, that the adjusted gross income of the family, as defined by RSA 458-C, is equal to or less than 185 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services. If collection of a support debt under RSA 161-C:4 is suspended, the obligor shall provide the office of child support enforcement services with a financial affidavit every 6 months evidencing the income of the reunited family and shall notify the office of child support enforcement services in writing within 10 days of any change in income or if the family is no longer reunited. Failure to report changes in income or in the status of the family as reunited, or to provide a financial affidavit as specified herein, shall cause the suspension of collection to terminate until such time as the required information is submitted and provided that such information meets the criteria for obtaining a suspension of collection. When a support obligation is established under RSA 161-C:4, the office of child support enforcement services shall notify an obligor of the right to request a suspension of the collection of a support debt.

IV. Any person who has assigned support rights shall be entitled to advance notice from the office of child support enforcement services of any proceeding for the establishment, modification or enforcement of support and the opportunity to participate in any administrative proceeding for the establishment, modification, or enforcement of support.

2 Additional Staff for Department of Health and Human Services. The following temporary positions shall be added to the office of child support enforcement, division of human services, department of health and human services:

I. Eight support enforcement officers I.

II. Four attorneys.

III. Two paralegals.

IV. Four clerk IVs.

V. Eight case technicians.

3 Appropriation. The sum of \$890,911 for the fiscal year ending June 30, 1995, is hereby appropriated to the division of human services, department of health and human services for the purposes of section 2 of this act. Of such appropriation \$588,001 shall be from federal funds and \$302,910 shall be from state funds. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Appropriation Increased. Amend 1993, 349:1.05, 01, 04, 04, 01 as follows:

	<i>FY 1994</i>	<i>FY 1995</i>
Strike out:		
09 Agency Income	\$ 2,330,191	\$ 2,292,267
Insert in place thereof:		
09 Agency Income	3,017,191	2,378,267
Strike out:		
general fund	25,305,204	25,964,489
Insert in place thereof:		
general fund	24,618,204	25,878,489

5 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill prohibits the office of child support enforcement services from collecting on an accrued AFDC child support debt when the obligor and obligee have reunited and the reunited family is low-income. This bill also requires the hiring of additional support enforcement staff for the office of child support enforcement services.

This bill makes an appropriation to the division of human services, department of health and human services for the purposes of funding additional temporary support enforcement staff and adjusts sources of funds for fiscal years 1994 and 1995 for AFDC.

Adopted.

Report adopted and ordered to third reading.

Rep. Bove declared a conflict of interest and did not participate.

SB 761-A, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor. **OUGHT TO PASS**

Rep. Marie C. Hawkinson for Appropriations: This bill appropriates funds to the Department of Transportation, Bureau of Railroads and Public Transportation, to rehabilitate the rail lines of class III railroads and state-owned rail lines, viable alternatives to new road construction. Moneys received by the state from the taxation of railroads shall be designated for the payment of general obligation bonds and notes authorized by this bill. The bill increases from 20 percent to 30 percent the amount of matching funds which owners, shippers or users must provide to receive state funds for rehabilitation and maintenance of rail properties. Vote 17-0.

Adopted and ordered to third reading.

SB 767-FN, relative to mental illness coverage under insurance policies. **OUGHT TO PASS**

Rep. Charles W. Ferguson for Appropriations: The purpose of this bill is to treat certain mental illnesses the same as physical illnesses under insurance coverage. Estimated costs ranged from \$164,062 to \$680,400 in FY '95 before savings are calculated. The bill does not take effect until January 1, 1995. Vote 19-1.

Adopted and ordered to third reading.

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Appropriations: The full committee felt it was necessary to establish a procedure to be used for involuntary civil commitment for persons charged with serious felonies who have mental retardation and who are incompetent to stand trial. To fund this program requires additional personnel funded at \$125,000 for fiscal year 1995. Vote 21-0.

Amendment (6356B)

Amend the bill by replacing section 12 with the following:

12 Appropriations.

I. The sum of \$125,902 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of corrections for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. If, at any time after the effective date of this act during fiscal year 1995, the client population at a designated receiving facility within the state developmental services system exceeds 2 persons, committed pursuant to RSA 171-B, during fiscal year 1995, the director of the division of mental health and developmental services may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding per client for the balance of the fiscal year, and such sums are hereby appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 14 with the following:

14 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes a procedure to be used for involuntary civil commitment for persons charged with serious felonies who have mental retardation and who are found to be not competent to stand trial.

This bill makes appropriations for the purposes of the bill.

Adopted.

Report adopted and ordered to third reading.

SB 774-FN, to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: The committee amendment begins funding October 1 in order to allow time to set up the changes, and requires separate accounting of these funds and any surplus to lapse into the Health Care Transition Fund rather than the General Fund. The appropriation from the Health Care Transition Fund for FY '95 is \$2,680,129. Vote 19-3.

Amendment (6347B)

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$2,680,129 for the fiscal year ending June 30, 1995, is appropriated to the division of human services, department of health and human services. The sum appropriated under this section shall be a charge against the health care transition fund, if established. Such appropriation shall be established in a separate account and shall neither be transferred nor used for any other purpose. Unexpended balances shall lapse to the health care transition fund.

Adopted.

Rep. Douglas Hall spoke in favor.

Report adopted and ordered to third reading.

SB 775-FN, providing medicaid coverage for adults 18 to 64 years of age. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: The committee amendment begins funding October 1 in order to allow time to set up the changes, and requires separate accounting of these funds and any surplus to lapse into the Health Care Transition Fund rather than the General Fund. The appropriation from the Health Care Transition Fund for FY '95 is \$973,570. Vote 20-2.

Amendment (6345B)

Amend the title of the bill by replacing it with the following:

AN ACT

providing medicaid coverage for adults 18 to 64 years of age changing the definition of disability for the purposes of eligibility for aid to the permanently and totally disabled and making an appropriation therefor.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$973,570 for the fiscal year ending June 30, 1995, is appropriated to the division of human services, department of health and human services. The sum appropriated under this section shall be a charge against the health care transition fund, if established. Such funds shall be held in a separate account and shall neither be transferred nor used for any other purpose. Unexpended balances shall lapse to the health care transition fund.

AMENDED ANALYSIS

This bill requires the director of the division of human services, department of health and human services, to seek a federal waiver to provide medicaid coverage for adults 18 to 64 years of age who have income less than the AFDC payment standard and makes an appropriation for that purpose. The funds required to implement the provisions of this act shall be derived from the health care transition fund, if established.

This bill also amends the definition of disability for the purposes of eligibility for aid to the permanently and totally disabled so that the change which was to take effect December 1, 1995, will not take effect and the current law will remain in effect.

Adopted.

Report adopted and ordered to third reading.

SB 787-FN-A, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: The committee amendment appropriates \$1,683,194 from the Health Care Transition Fund for FY '95 for adult dental services under Medicaid. It requires separate accounting of these funds and any surplus will lapse into the Health Care Transition Fund rather than the General Fund. The amendment also raises revenue estimates by \$260 million to claim the federal Medicaid funds of \$130 million. A three-year sunset of the program has been added. Department estimates show a net savings to the general fund which exceeds the expenditures by the third year. If this forecast comes to pass, a future review could continue the program from the General Fund to continue to realize those savings. Vote 11-7.

Amendment (6376B)

Amend the bill by replacing all after section 2 with the following:

3 Board and Care Revenue Estimate Increased. Amend the fiscal year 1994 estimate of unrestricted revenue for general fund, board and care inserted by 1993, 349:27 by replacing it with the following:

	<i>FY 1994</i>
Board and Care	\$328,725,000

4 General Fund Total Increased. Amend the fiscal year 1994 general fund total estimate of unrestricted revenue inserted by 1993, 349:27 by replacing it with the following:

	<i>FY 1994</i>
Total	\$1,115,150,000

5 Appropriation. The sum of \$1,683,194 for the fiscal year ending June 30, 1995, is appropriated to the division of human services, department of health and human services. The sum appropriated under this section shall be a charge against the health care transition fund, if established. Such appropriation shall be established in a separate account and shall neither be transferred nor used for any other purpose. Unexpended balances shall lapse to the health care transition fund.

6 Repeal. The following are repealed:

I. RSA 167:7-b, relative to dental coverage for adults.

II. RSA 167:3-c, X, relative to additional rulemaking.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 1997.

II. Sections 3 and 4 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill extends basic dental services to adults who are enrolled in the Medicaid program. Currently, dental coverage is limited to the extraction of acutely painful or infected teeth.

This bill also establishes an annual limit of \$1,000 per person for covered dental services.

This bill makes an appropriation to the division of human services, department of health and human services which shall be a charge against the health care transition fund, if established.

This bill repeals the dental coverage for adults under the medicaid program after 3 years.

This bill increases the 1994 estimate of unrestricted general fund revenue for board and care.

Adopted.

(Rep. Cole in the Chair)

Rep. Ferguson spoke in favor.

Rep. Kurk spoke against and yielded to questions.

Rep. Douglas Hall spoke in favor and yielded to questions.

Roll call sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 197 - NAYS 140**YEAS 197****BELKNAP**

Cain, Thomas
Salatiello, Thomas

Campbell, Richard, Jr.
Ziegra, Alice

Hawkins, Robert

Holbrook, Robert

CARROLL

Foster, Robert

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Perry, David
Royce, H. Charles

Burnham, Daniel
Kingsbury, H. Thayer
Pratt, Irene
Russell, Ronald

Champagne, Richard
Lynch, Margaret
Richardson, Barbara

DePecol, Benjamin
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Horton, Lynn

Coulombe, Henry
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

Hawkinson, Marie
Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Channing
Driscoll, William
McIlwaine, Deborah
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Guest, Robert
Nordgren, Sharon

Below, Clifton
Copenhaver, Marion
LaMott, Paul
Scanlan, David

Brown, Alson
Crory, Elizabeth
Larson, Nils, Jr.
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Amidon, Eleanor
Bergeron, Normand
Cote, David
Dwyer, Patricia

Ahlgren, Madelyn
Asselin, Robert
Buckley, Raymond
Drabinowicz, A. Theresa
Dyer, Merton

Ahrens, Frederick
Bagley, Amy
Chabot, Robert
Drolet, Paul
Ferguson, Charles

Allen, W. Gordon
Bergeron, Lucien
Clemmons, Jane
Durham, Susan
Fields, Dennis

Foster, Linda
Haettenschwiller, Alphonse
Holden, Carol
Kirby, Thomas
Lown, Elizabeth
Milligan, Robert
Nardi, Theodora
Paquette, Rodolphe
Reidy, Frank
Sullens, Joan

Gage, Ruth
Hall, Betty
Jean, Claudette
Lachut, Ervin
Lozeau, Donnalee
Moore, Elizabeth
O'Hearn, Jane
Perkins, Paul
Sargent, Maxwell
Toomey, Kathryn

Gagnon, Eugene
Hanselman, Gregory
Johnson, Lionel
Laughlin, J. Francis
Martin, Mary Ellen
Morrisette, Roland
O'Rourke, Joanne
Peters, Stanley
Smith, Leonard
Wheeler, Robert

Gervais, Glen
Hart, Nick
Kelley, Robert
Leclerc, Charles
Messier, Irene
Murphy, Robert
Packard, Bonnie
Plourde, Alphonse
Soucy, Donna
White, John

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Hager, Elizabeth
Kidder, William
Newland, Matthew
Shaw, Randall
Ward, Jay

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Owen, Derek
Teague, Bert
Yeaton, Charles

Chandler, John
Fillion, Paul
Johnson, C. William
Mitchell, Vernon
Pfaff, Terence
Trombly, Rick

Daneault, Gabriel
French, Barbara
Johnson, Joyce May
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Crossman, Harold, Jr.
Johnson, Robert
Klemarczyk, Thaddeus
MacDonald, Maurice
Pantelakos, Laura
Senter, Marilyn
Syracusa, Anthony

Clark, Martha
Flanders, John, Sr.
Kane, Cecelia
Klemm, Arthur, Jr.
McGovern, Cynthia
Pratt, Katharin
Skinner, Patricia
Sytek, Donna

Clark, Vivian
Gage, Beverly
Katsakiores, George
Kruse, Fred
Newman, Rick
Ritzo, Eugene
St. Martin, Tommy
Vaughn, Charles

Coes, Betsy
Hurst, Sharleene
Katsakiores, Phyllis
Lee, Rebecca
O'Keefe, Patricia
Rosencrantz, James
Stritch, C. Donald

STRAFFORD

Brown, George
Gilmore, Gary
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Snyder, Clair

Brown, Julie
Hambrick, Patricia
Keans, Sandra
McCann, William, Jr.
Pelletier, Arthur
Sullivan, Henry

Chagnon, Ronald
Hashem, Elaine
Knowles, William
McGrath, J. Gregory
Pelletier, Marsha
Wall, Janet

Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Rogers, Rose Marie
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon
Peyron, Fredrik

Behrens, Thomas
Holl, Ann
Schotanus, Merle

Burling, Peter
Lindblade, Eric

Cloutier, John
Palmer, Lorraine

NAYS 140

BELKNAP

Bartlett, Gordon
Laflam, Robert
Smith, Linda

Golden, Paul
Lawton, David
Turner, Robert

Hauck, William
Rice, Thomas, Jr.

Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Saunders, Howard

Beach, Mildred
Lyman, L. Randy
Wiggin, Gordon

Bradley, Jeb
Mock, Henry

Chandler, Gene
Philbrick, Donald

CHESHIRE

Avery, Stephen
Pearson, Gertrude

Hunt, John
Smith, Edwin

McNamara, Wanda

Metzger, Katherine

COOS

Foss, Frederic

Merrill, Gerald

GRAFTONEaton, Stephanie
Trelfa, RichardGordon, Edward
Wadsworth, Karen

Ham, Bonnie

Rose, William

HILLSBOROUGHAndrews, Frederick
Burke, M. Virginia
Crotty, Edward
Dodge, Emma
Greenberg, Gary
Hunter, Bruce
L'Heureux, Robert
Mittelman, David
Record, Alice
Rothhaus, Finlay
Turgeon, Roland
Wright, GeorgeArnold, Barbara
Calawa, Leon, Jr.
Daigle, Robert
Donovan, Francis
Healy, Daniel
Jasper, Shawn
McCarty, Winston
Moncrief, Keith
Rheault, Lillian
Sallada, Roland
Upton, BarbaraArnold, Thomas, Jr.
Cepaitis, Elizabeth
Daniels, Gary
Dykstra, Leona
Holley, Sylvia
Jean, Loren
McRae, Karen
Morello, Michael
Riley, Frances
Searles, Stanley, Sr.
Vanderlosk, StanleyBowers, Dorothy
Cowenhoven, Garret
Desrosiers, William
Emerton, Lawrence, Sr.
Holt, David
Kurk, Neal
Mercer, Robert
Pepino, Leo
Rodgers, G. Philip
Soucy, Richard
Wells, Peter, Sr.**MERRIMACK**Barberia, Richard
Kennedy, Richard
Whittemore, JamesBuessing, Marjorie
Langer, Ray
Willis, JackChandler, Earle
Nichols, AvisGilbreth, Robert
Whalley, Michael**ROCKINGHAM**Aranda, M. Kathryn
Boucher, William
Cote, Charles
Drake, Herbert
Flanagan, Natalie
Malcolm, Kenneth
Packard, Sherman
Richards, David
Stone, Joseph
Weyler, KennethArndt, Janet
Bove, Martin
Cote, Patricia
Dube, LeRoy
Flanders, David
McKinney, Betsy
Pullman, Robert
Rubin, George
Sytek, John
Williamson, WilliamBattles, Marjorie
Chester, Sherman
DiPietro, Carmela
Felch, Charles, Sr.
Gorman, Donald
Miller, Don
Putnam, Ed, II
Schanda, Joseph, Sr.
Warburton, Calvin
Woods, DeborahBeaulieu, Jon
Conroy, Janet
Dowd, Sandra
Fesh, Robert
Lovejoy, Marian
Noyes, Richard
Raynowska, Bernard
Smith, Arthur
Welch, David
Yennaco, Carol**STRAFFORD**Callaghan, Frank
Musler, George
Wasson, RichardDouglass, Clyde
Pageotte, DonaldKincaid, William
Spear, BarbaraMcKinley, Robert
Torr, Franklin**SULLIVAN**

Domini, Irene

Rodeschin, Beverly

and the amended Committee report was adopted.

Ordered to third reading.

Rep. Klemm voted yea and intended to vote nay.

SB 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: The committee amendment begins funding October 1 in order to allow time to set up the programs, and requires separate accounting of these funds and any surplus to lapse into the Health Care Transition Fund rather than the General Fund. The appropriation from the Health Care Transition Fund for FY '95 is \$4,177,500. Vote 19-3.

Amendment (6351B)

Amend the bill by replacing all after the enacting clause with the following:

1 Health Care Transition Fund Allocation.

I. The following sums are appropriated as indicated for the fiscal year ending June 30, 1995, and shall be charged against the health care transition fund, if established:

(a) The sum of \$705,000 is appropriated to the office of the commissioner, department of health and human services for the purpose of establishing the office of health planning, to develop under a process established by the legislature a state health plan, develop policy options for the department and its divisions, and to coordinate data collection functions of all agencies involved in health care reform activities.

(b) The sum of \$750,000 is appropriated to the office of alcohol and drug abuse prevention for the following:

(1) To expand halfway houses and residential programs for adults, adolescents and women and children.

(2) To establish crisis intervention and social detoxification services in areas currently unserved.

(3) To support medical heroin detoxification and related residential services.

(4) To support comprehensive programs for persons with mental illnesses and substance abuse problems.

(c) The sum of \$1,335,000 is appropriated to the division of public health services for the following purposes:

(1) To develop health clinics to provide primary preventive health services for low-income and underserved populations.

(2) To establish a statewide network of family support services of families of children with chronic illness.

(3) To recruit primary care physicians, nurse practitioners, and physician assistants, support them in serving rural areas and areas of high primary care needs, and establish linkages to facilitate academic training and consultations.

(4) To provide technical assistance to communities, health care agencies, and primary care providers developing comprehensive care services.

(d) The sum of \$1,387,500 is appropriated to the division of mental health and developmental services for the following purposes:

(1) To develop and maintain services to meet the mental health needs of children and families which shall include family-centered individual support services necessary to improve the mental health status of children who have or who are at risk of having serious emotional disorders.

(2) To prepare for and respond to state and federal health care reform initiatives including the design and development of information systems required for service planning, cost allocation, and monitoring services utilization.

(3) To prepare and submit for approval a waiver to federal Medicaid regulations under section 1115 of Title XIX of the Social Security Act for the development of a range of community-based services for adults and children with serious mental illnesses to include the integration of components of New Hampshire hospital with the community mental health system.

II. The appropriations made in paragraph I shall be established in separate accounts and shall neither be transferred nor used for any other purpose. Unexpended balances shall lapse to the health care transition fund.

2 Effective Date. This act shall take effect upon its passage.

Rep. Douglas Hall yielded to questions.

On a division vote, 227 members having voted in the affirmative and 57 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

SB 794-A, making a capital appropriation for highway transportation infrastructure. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: The amendment to this important "Highway Pot Hole Rehabilitation" bill makes the bill effective on passage, thus enabling the Department of Transportation to immediately contract for an additional \$3 million of highway betterments. Vote 15-5

Amendment (6338B)

Amend the bill by replacing section 1 with the following:

1 Department of Transportation; Betterment Program; Appropriation Increased. Amend 1993, 349:1.04, 01, 03, 11, 01, fiscal year 1994, as follows:

FY 1994

Strike out:

90 Betterments/state bridge aid	D	\$ 9,772,000
Total		9,772,000
estimated source of		
funds for betterment		
09 Agency income		9,772,000
Total		9,772,000

Insert in place thereof:

90 Betterment/state bridge aid	D	12,772,000
Total		12,772,000
estimated source of funds		
for betterment		
09 Agency income		9,772,000
Highway funds		3,000,000
Total		12,772,000

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

SB 796, allowing the state board of education to solicit funds to implement character and citizenship education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Appropriations: This bill allows the state board of education to accept funds to continue a character and citizenship training initiative begun with a federal grant. The amendment corrects improper word usage and removes a \$50,000 appropriation. Vote 14-3.

Rep. Larson moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke in favor.

The Chair, being in error, called for a vote on the Committee amendment. A voice vote was taken but the result was not declared.

RECONSIDERATION

Rep. Douglas Hall moved that the House reconsider its action whereby it voted the Committee Amendment to **SB 796**, allowing the state board of education to solicit funds to implement character and citizenship education, prior to voting on the substitute motion.

Reconsideration prevailed.

REGULAR CALENDAR (Cont'd.)

The question now being the adoption of the substitute motion of Inexpedient to Legislate on **SB 796**, allowing the state board of education to solicit funds to implement character and citizenship education.

Rep. Larson yielded to questions.

Reps. Channing Brown and Skinner spoke to the motion.

Roll call request not sufficiently seconded.

The substitute motion was adopted on a voice vote.

The substituted Committee report was adopted.

REMOVED FROM THE TABLE

Rep. Franklin Torr moved that **SB 638-FN**, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections, be removed from the table. (Pending question: the adoption of the amended committee report)

On a division vote, 236 members having voted in the affirmative and 74 in the negative, the motion was adopted.

Rep. Franklin Torr yielded to questions.

Rep. Donna Sytek spoke in favor.

Roll call request not sufficiently seconded.

On a division vote, 246 members having voted in the affirmative and 80 in the negative, the amended Committee report was adopted.

Ordered to third reading.

REGULAR CALENDAR (Cont'd.)

SB 593-FN, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Larry A. Emerton for Executive Departments and Administration: This important bill allows advanced registered nurse practitioners to prescribe controlled and non-controlled drugs to the patients under the general formulary approved by the joint health council for the immediate medical needs of their patients. Also, this bill tightens up the procedures of the joint health council in its actions regarding ARNPs. Vote 12-1.

Amendment (6354B)

Amend RSA 318:1, IX-a as inserted by section 3 of the bill by replacing it with the following:

IX-a. "Nurse" means a person licensed to perform registered nursing as defined in RSA 326-B.

Amend RSA 318:42, VII(a) as inserted by section 9 of the bill by replacing it with the following:

(a) The drugs are dispensed under a written protocol established by a licensed physician and approved by the division of public health services which provides for responsible [medical] supervision over the activities in question and mentions the name of each [advanced registered nurse practitioner or] registered nurse for whom the physician is assuming supervisory responsibility. A written copy of the protocol showing the date it was approved by the division of public health services shall be kept at the clinic at all times and shall be made available during any inspection conducted under RSA 318:8.

Amend RSA 318:46 as inserted by section 11 of the bill by replacing it with the following:

318:46 Record Book. The pharmacist in charge of a pharmacy shall at all times keep in the pharmacy a record book in which shall be entered all sales of the following, other than sales to physicians, dentists and veterinarians, and sales made upon a prescription of a physician, dentist [or], veterinarian, *or advanced registered nurse practitioner*: arsenous acid (arsenic trioxide), mercuric chloride, hydrocyanic acid, potassium cyanide, cyanide mixture, strychnine and its salts except in proper dosage in pill or tablet form.

Amend RSA 318-B:2-b, III as inserted by section 20 of the bill by replacing it with the following:

III. A nurse or intern who, at the explicit direction of and under the supervision of an attending physician, administers a substance which he represents to be or contain a controlled drug, but which in fact neither is nor contains a controlled drug, to a patient for a bona fide therapeutic purpose; or

Amend RSA 318-B:10, V as inserted by section 23 of the bill by replacing it with the following:

V. A paramedic who has been approved and certified by the board of registration in medicine as an advanced emergency medical care provider may possess, for emergency use only, such prescription drugs as are agreed upon jointly by the state board of registration in medicine and the pharmacy board. The paramedic may administer such prescription drugs upon receipt directly or by telephone or by radio or by other communication medium of directions to do so from the supervising physician *or advanced registered nurse practitioner, practicing within such nurse practitioner's speciality*.

Amend RSA 318-B:12-a as inserted by section 26 of the bill by replacing it with the following:

318-B:12-a Treatment for Drug Abuse. Any minor 12 years of age or older may voluntarily submit himself to treatment for drug dependency as defined in RSA 318-B:1, IX, or any prob-

lem related to the use of drugs at any municipal health department, state institution or facility, public or private hospital or clinic, any licensed physician *or advanced registered nurse practitioner practicing within such nurse practitioner's specialty*, or other accredited state or local social welfare agency, without the consent of a parent, guardian, or any other person charged with the care or custody of said minor. Such parent or legal guardian shall not be liable for the payment for any treatment rendered pursuant to this section. The treating facility, agency or individual shall keep records on the treatment given to minors as provided under this section in the usual and customary manner, but no reports or records or information contained therein shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, or statistical and medical purposes, except upon the written consent of the person examined or treated. Nothing contained herein shall be construed to mean that any minor of sound mind is legally incapable of consenting to medical treatment provided that such minor is of sufficient maturity to understand the nature of such treatment and the consequences thereof.

Amend the bill by replacing section 28 with the following:

28 Reference Added; Continuing Education. Amend RSA 326-B:10, II and III to read as follows:

II. A registered nurse, [legally recognized] *licensed* as an advanced registered nurse practitioner, shall have plenary authority to *possess, compound, prescribe [medications], administer, dispense or distribute controlled and noncontrolled drugs to patients* from the official formulary established by the joint health council established in RSA 326-B:10-a and within the scope of the A.R.N.P.'s practice as defined by the New Hampshire board of nursing based on usual and customary advanced nursing practice standards. Controlled and noncontrolled substances shall be prescribed from the formulary according to protocol guidelines approved by the joint health council. The privilege of [prescriptive] *plenary* authority may be denied, suspended or revoked by the board of nursing upon proof that the privilege has been abused.

III. Each registered nurse applying for [legal recognition] *licensure* as an advanced registered nurse practitioner shall pay an additional fee for original evaluation and certification. Each renewal period, the A.R.N.P. shall submit to the board of nursing evidence of continuing education and practice in the field of nursing. *For the purposes of this paragraph, continuing education shall include at least 4 hours of course work in pharmacology approved by the board of nursing upon license renewal.*

Amend the bill by deleting sections 21 and 22 and renumbering the original sections 23-34 to read as 21-32, respectively.

Amend the bill by inserting after section 26 the following and renumbering sections 27-32 to read as 30-35, respectively:

27 Joint Health Council. Amend RSA 326-B:10-a, III to read as follows:

III. The duties of the joint health council shall include, but not be limited to, adding or altering the list of controlled and noncontrolled substances on the A.R.N.P. formulary and approving protocol guidelines for A.R.N.P. prescription of both controlled or noncontrolled substances deemed necessary by the council. Decisions on such additions or alterations shall be rendered within 3 months of initial consideration by the council [and shall be determined by an affirmative vote of at least 5 members of the council]. *Any new controlled or noncontrolled substances that are available after September 1, 1994, shall be approved for use by advanced registered nurse practitioners only after an affirmative vote of the joint health council.*

IV. *All meetings of the joint health council shall be open to the public and conducted in accordance with the provisions of RSA 91-A. Meetings shall be conducted in a state-occupied building in Concord. Notice of the time and place of each meeting shall be posted in the house and senate calendars at least 30 days prior to the meeting date.*

28 Terminology Change. Amend RSA 326-B:2, II to read as follows:

II. "Advanced registered nurse practitioner" or "A.R.N.P." means a registered nurse who is [legally recognized] *licensed* as having specialized clinical qualifications as provided in RSA 326-B:10.

29 Terminology Change. Amend RSA 326-B:4, XIV to read as follows:

XIV. Establish and collect fees, under rules adopted by the board pursuant to RSA 541-A, relative to applicants seeking any type of license issued by the board under this chapter, including fees for applications for temporary licenses, reinstatement of inactive licenses, license by examinations, and renewal of licenses, as well as fees for verifying license status, [legal recognition status,] program graduation, or computerized lists.

Amend the bill by replacing sections 34 and 35 with the following:

34 Repeal. RSA 318-B:2-a, relative to an exception allowing advanced registered nurse practitioners to possess single doses of certain controlled drugs, is repealed.

35 Effective Date.

I. RSA 362-B:10-a, III as amended by section 27 of this act shall take effect September 1, 1994.

II. The remainder of this act shall take effect January 1, 1995.

Adopted.

Report adopted and ordered to third reading.

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill passed the House 4/19/94 on recommendation of the Public Protection and Veteran Affairs Committee and was referred to the ED&A Committee to review the reorganization portion of the bill. The ED&A Committee found the restructuring of the Fire Service within the Department of Safety will be more economical and more responsive to the Department of Safety and the 8000 members of the Fire Service of New Hampshire. It is the intent of the Legislature that this will produce a more cohesive structure to present the training programs for the 1200 career and 6800 call/volunteer firefighters in New Hampshire. With the opening soon of the new fire academy and regional programs, the training division can provide the needed programs at various times that will accommodate both the career and call/volunteer firefighters and their various schedules. All firefighters and those desiring to enter the ranks of firefighters, should have equal access to the programs at the most reasonable cost possible. Vote 12-2.

Amendment (6323B)

Amend RSA 21-P:33 as inserted by section 3 of the bill by replacing it with the following: 21-P:33 Delegation. The commission may delegate to the division of fire standards and training any powers and duties enumerated in this subdivision.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-20 to read as 2-21, respectively:

1 Intent.

I. This act establishes 2 divisions of fire service within the department of safety, a safety division and a training division each headed by a director. The division of fire safety shall handle the technical aspects and enforcement of safety regulations and arson investigations. The division of fire standards and training shall handle the training of the 1,200 career firefighters and 6,800 call/volunteer firefighters.

II. Since each group of firefighters as well as others interested in obtaining instruction in emergency programs have different needs and time availability, it is the intent of the legislature that the programs presented by the division of fire standards and training should be geared to the needs and time constraints of those receiving the training.

Amend paragraph IV of section 20 of the bill by replacing it with the following:

IV. Upon appointment of a director of the division of fire standards and training, the unclassified chief of fire standards and training shall be subordinate to the director of this division of fire standards and training. The term of the first person appointed as director of the division of fire standards and training pursuant to this act shall expire on March 31, 1997. Thereafter, the director of the division of fire standards and training shall serve a term as set forth in section 9 of this act.

Amend the bill by replacing section 21 with the following:

21 Effective Date.

I. Sections 1-6 of this act shall take effect 60 days after its passage.

II. Paragraph 1 of section 16 of this act shall take effect as provided in paragraph III of section 20 of this act.

III. The remainder of this act shall take effect upon its passage.
Adopted.

Rep. Dyer offered a floor amendment.

Floor Amendment (6401B)

Amend paragraph III of section 21 of the bill by replacing it with the following:

III. The remainder of this act shall take effect August 1, 1994.

Adopted.

Report adopted and ordered to third reading.

SB 144-FN-A, relative to the legacies and successions tax on property jointly owned.
OUGHT TO PASS WITH AMENDMENT

Rep. Donna M. Soucy for Ways and Means: This bill provides an exemption under the legacies and successions tax of \$10,000 (provided that it is the sole existing joint account) after funeral and medical expenses of the deceased joint tenant have been paid. Vote 18-0.

Amendment (6353B)

Amend RSA 86:8 as inserted by section 1 of the bill by replacing it with the following:

86:8 Joint Ownership. Whenever property, real or personal, is held in the joint names of 2 or more persons or is deposited in banks or other depositories in the joint names of 2 or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the survivor to the immediate ownership of such property shall be deemed a transfer taxable under this chapter. The transfer shall be in the same manner as though the whole property to which such transfer relates was owned by said parties as tenants in common and had been devised or bequeathed to the survivor by such deceased joint owner. The survivor shall file with the executor or administrator upon a form prescribed by the department, a report of all transfers of real and personal property held in the joint names of the deceased joint tenant and the survivor and shall notify the executor or administrator as to the amounts paid by such survivor from said property for necessary expenses of the funeral of the deceased joint tenant, expenses of the last sickness and medical expenses of the deceased joint tenant. In the computation of the tax under this chapter there shall be deducted from the value of the property so reported such amounts as were paid from said property for such funeral expenses, expenses of last sickness and medical expenses. *In addition, any joint account with less than \$10,000 shall not be deemed a transfer taxable under this chapter, if there are no other joint accounts and no probate estate due the survivor.* The surviving joint tenant shall remit the appropriate tax liability to the executor or administrator, or if the estate is liable for the tax, the executor or administrator shall pay the tax liability from the assets being held by the executor or administrator. The executor or administrator shall incorporate the value of the joint assets and the tax liability into the legacy and succession tax return required by RSA 86:90.

AMENDED ANALYSIS

This bill exempts joint accounts of less than \$10,000 from the legacies and successions tax if there are no other joint accounts or probate estate due the survivor.

Adopted.

Report adopted and ordered to third reading.

SB 501-FN-A, relative to the business transition credit with respect to the business enterprise tax. **OUGHT TO PASS**

Rep. Avis B. Nichols for Ways and Means: This bill removes a potentially discriminatory \$500,000 limitation on the already existing credit a business enterprise is entitled to under the three-year business transition. This applies to businesses that have paid business profits tax in the past but have suffered recent losses. Vote 18-0.

Adopted and ordered to third reading.

SB 594-FN, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license. **OUGHT TO PASS**

Rep. Richard T. Trelfa for Ways and Means: This bill permits veterans' and social clubs more alternatives in both hours of sale and minimum number of events for liquor licenses at reduced rates. There should be no negative impact on revenues and a positive impact is probable. Vote 14-1.

Adopted and ordered to third reading.

SPECIAL ORDER

Without objection, the Speaker made **SB 600-FN-A**, directing the liquor commission to license an agency liquor store in Center Harbor, a Special Order to be placed at the end of the day's calendar.

REGULAR CALENDAR (Cont'd.)

SB 670 FN, making technical corrections to the securities laws and relative to fees for securities registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donna M. Soucy for Ways and Means: This bill essentially does two things. First, it makes technical corrections to the securities laws relative to fees for securities registration and reinstates the charter of the Union International Corporation as approved by the Commerce Committee. Second, this bill imposes a cap of \$800,000 on the two-year-old Investor Education Fund, which was created at the time the securities regulation responsibility was transferred to the Secretary of State. Vote 12-5.

Amendment (6328B)

Amend RSA 421-B:21, II-c as inserted by section 19 of the bill by replacing it with the following:

II-c. The state treasurer shall pay the expenses of investor education conducted pursuant to RSA 421-B:26, IV out of [any money in the treasury not otherwise appropriated until] *the investor education fund consisting of* the funds collected pursuant to RSA 421-B:26, I, II, and III. [have been received by him. Thereafter, he shall pay the expenses of conducting investor education out of funds collected under RSA 421-B:26, I, II, and III and shall reimburse the treasury for previous expenses paid by him. The governor is authorized to draw his warrant for the sums authorized by this paragraph out of any money in the treasury not otherwise appropriated.] *The investor education fund shall be nonlapsing and continually appropriated for the purpose of paying the expenses of investor education, except that, as provided in RSA 421-B:26, IV, the fund shall at no time exceed \$800,000.*

Amend the bill by replacing section 29 with the following:

29 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) Moneys received under RSA 421-B:26, I, II, and III, which shall be credited to the investor education fund established in RSA 421-B:21, II-c until that fund exceeds \$800,000, at which time moneys in excess of \$800,000 shall be credited to the general fund.

Amend the bill by replacing all after section 31 with the following:

32 Cap on Investor Education Fund. Amend RSA 421-B:26, IV to read as follows:

IV. All moneys collected as an administrative penalty under this chapter shall be credited to an investor education fund to be maintained by the state treasurer; *provided, however, that the investor education fund shall at no time exceed \$800,000. All sums in the investor education fund in excess of \$800,000 shall be credited to the general fund.* The secretary of state shall use moneys credited to that fund to provide information to residents of this state about investments in securities, to help investors and potential investors evaluate their investment decisions, protect themselves from unfair, inequitable or fraudulent offerings, choose their broker-dealers, agents or investment advisers more carefully, be alert for false or misleading advertising or other harmful practices, and know their rights as investors.

33 Effective Date.

I. Sections 19, 23, 24, and 29-32 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

Report adopted and referred to Appropriations.

SB 671 FN-A, negating the repeal of tax credits against the business profits tax and the investment tax credit. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roland Sallada for Ways and Means: This bill, as amended, modifies the 75 percent investment tax credit currently applicable to contributions made to the Community Development Finance Authority (CDFA). The bill, as amended, would extend the credit to contributions received after June 30, 1994 and before June 30, 1999 if a pledge, for such contribution, was made in writing to the CDFA by June 30, 1994. The bill, as amended, also limits the CDFA to accepting no more than \$2 million in contributions for which the credit is to be taken in any state fiscal year after June 30, 1994. Under this extension, the maximum amount of credits to be given against the business profits tax is \$7.5 million with a maximum total credit of \$1.5 million in any one fiscal year after June 30, 1994. Vote 14-3.

Amendment (6343B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the community development finance authority
and investment tax credits.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition of "Pledge." Amend RSA 162-L:1 by inserting after paragraph IX the following new paragraph:

X. "Pledge" means a written agreement between the community development finance authority and a contributor for the contributor to provide cash contributions over a period of not less than one year or more than 5 years.

2 Report. Amend RSA 162-L:6 to read as follows:

162-L:6 Reporting Requirements. On or before September 1 of each year, the authority shall submit an annual report of its activities for the preceding fiscal year to the governor, the president of the senate, the speaker of the house of representatives and the state treasurer. The report shall set forth a complete operating and financial statement of the authority during such year. *The report shall include outstanding amounts of pledges made and cash contributions received against pledges.* The authority shall cause an audit by an independent certified public accountant of its books and accounts to be made each fiscal year.

3 Technical Correction. Amend RSA 162-L:8, I-a to read as follows:

I-a. Credits provided by this section applied against the liabilities imposed by RSA 400-A and RSA 77-E shall be deemed to be taxes paid for the purpose of RSA 77-A:5, III and [IX] X, respectively.

4 Investment Tax Credit. Amend RSA 162-L:8, III to read as follows:

III.(a) The credit provided by this section shall apply to contributions made *or pledged* to the authority on or before June 30, [1996] 1994. *Such credit shall be available to contributors on or after contributions for which credit is to be taken are actually received by the authority.*

(b) *All contributions must be received within 5 years after the pledge is made.*

(c) *Contributions received by the authority as a result of pledges made on or before June 30, 1994, for which credit is to be taken shall not exceed \$2,000,000 in any state fiscal year ending after June 30, 1994. Contributions received in excess of \$2,000,000 shall not be eligible for credit under this section.*

5 Effective Date Changes. Amend 1993, 350:43, III to read as follows:

III. Section 41, paragraphs II and V of this act shall take effect July 1, 1994, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1994, except that any [unused portion of such] credit from contributions *or pledges* made pursuant to RSA 162-L:8 on or before June 30, 1994, shall be allowed as a credit or carried forward in the manner and subject to the limitations of RSA 162-L:8[. II], as such [paragraph] *section* was effective on June 30, 1994. In the case of any business enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 1994, the taxable period shall be deemed to have ended on June 30, 1994, for the purposes of this act.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill sets a cap on contributions made to the community development finance authority for the purposes of the investment tax credit.

Adopted.

Report adopted and ordered to third reading.

Rep. Teschner declared a conflict of interest and did not participate.

SB 674-FN-A, placing responsibility for dredging projects in tidal waters with the port authority and continually appropriating certain fees to the port authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Ways and Means: The Ways and Means Committee amendment clarifies that the port authority shall implement the provisions of the act from its current budget and deletes reference to dockage and wharfage fees. Vote 18-0.

Amendment (6193B)

Amend the bill by replacing section 3 with the following:

3 Funding. The port authority shall carry out the provisions of RSA 271-A:20 with funds from within the current operating budget for fiscal year 1995.

Adopted.

Report adopted and ordered to third reading.

SB 740 FN, relative to employee leasing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Ways and Means: The Ways and Means Committee amendment makes technical changes and eliminates the dedicated fund (replacing it with a one-year appropriation). The amendment was developed with input from the Commerce Committee, Department of Employment Security, Department of Labor and an industry representative. Vote 18-0.

Amendment (6230B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to employee leasing and making an appropriation therefor.

Amend RSA 277-B:2 as inserted by section 1 of the bill by deleting paragraph VI and renumbering the original paragraphs VII and VIII to read as VI and VII.

Amend RSA 277-B:5, I as inserted by section 1 of the bill by replacing it with the following:

I. Every applicant for an initial employee leasing company license shall file with the commissioner a completed application on a form prescribed by the commissioner with a non-refundable application fee of \$100. Every applicant for a renewal license shall file with the commissioner a completed application at least 60 days before license expiration together with a renewal application fee of \$100. The commissioner shall act upon such renewal application within said 60 day period. A licensee shall pay an annual fee for a license of \$500 per year.

Amend RSA 277-B:5 as inserted by section 1 of the bill by deleting paragraph IV and renumbering the original paragraphs V and VI to read as IV and V.

Amend RSA 277-B:13 as inserted by section 1 of the bill by replacing it with the following:

277-B:13 Application and License Fees. All application and license fees collected by the commissioner under this chapter shall be paid to the treasurer for deposit to the general fund.

Amend RSA 277-B:17, I as inserted by section 1 of the bill by replacing it with the following:

I. Until an employee leasing company has been in business for a period of 2 years, including any time prior to October 1, 1994, a client company shall be jointly and severally liable with the employee leasing company for the payment of unemployment contributions as calculated under the provisions of RSA 277-B:9, VI. The written disclosure provided under RSA 277-B:9, VI shall advise the client company of its joint and several liability, if any, under this section.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$9,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of labor for the purposes of this act. This appropriation is in addition to any other funds appropriated to the department of labor. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 1994.

II. RSA 277-B:3 as inserted by section 1 of the bill shall take effect upon its passage.

III. The remainder of this act shall take effect October 1, 1994.

AMENDED ANALYSIS

This bill requires the licensing of employee leasing companies and also establishes standards for operation and regulation of such companies. An application fee is established.

This bill also makes an appropriation to the department of labor.

Adopted.

Report adopted and referred to Appropriations.

SB 755-FN-A, allowing business profits tax credits for alternative fuel vehicles. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Avis B. Nichols for the Majority of Ways and Means: This bill gives an alternative fuel credit against the Business Profits Tax to businesses that convert vehicles to alternative fuels in advance of EPA schedules or that convert more vehicles than required by Federal statute. These vehicles would have to be converted in compliance with the Federal Clean Air Act and Energy Policy Act of 1992 so we should not jeopardize the BPT which already is coming in under projections by giving businesses a credit to do this. Vote 10-7.

Rep. Donna M. Soucy for the Minority of Ways and Means: This bill provides an incentive for businesses to comply with the requirements of the Clean Air Act and the Energy Policy Act before the Federal compliance deadline. Businesses wishing to comply in advance of this deadline could avail themselves of a business profits tax credit limited to 5 percent of the total BPT due. This incentive program will help achieve reductions in mobile sources of emissions, therefore, making it easier for our job providing stationary sources to achieve compliance. Lastly, this bill is part of the N.H. Compliance Act and will be beneficial to us in dealing with the EPA.

Majority report adopted.

SB 756 FN-A, relative to the definitions of "gross receipts" and "public utility" for the calculation of the franchise tax with respect to the sale of gas. **OUGHT TO PASS**

Rep. Barbara E. Arnold for Ways and Means: This bill removes those entities engaged in the manufacture, generation, distribution, transmission or sale of gas from the definition of public utility for purposes of the franchise tax as they no longer have a franchise. Also, the bill exempts from gross receipts, for the purpose of calculating the franchise tax, those receipts from the sale of electricity to operate motor vehicles. The Department of Revenue Administration (DRA) states it cannot identify any current taxable sales of electricity to power vehicles under the franchise tax. Vote 18-0.

Adopted and ordered to third reading.

SB 773 FN-A, clarifying the applicability of the real estate transfer tax. **REFER FOR INTERIM STUDY**

Rep. Alphonse O. Plourde for Ways and Means: The committee felt that while the intent of this bill had merit, there was concern that it opened the door to abuse due to the 10 percent change of ownership. Vote 16-1.

Adopted.

Rep. Nichols declared a conflict of interest and did not participate.

SB 709-FN, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Appropriations: The amended bill makes changes mandated by the 1993 Omnibus Budget Reconciliation Act. It changes the date on which medical child-support orders must begin to include provisions concerning wage assignment. It also clarifies the appointing authority for existing positions in the Division of Public Health and the Division of Human Services. Vote 18-0.

Amendment (6306B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to changes mandated by OBRA, repealing a statute in conflict with the children's health plan, relative to the date on which medical child support orders must begin to include provisions concerning wage assignment, and relative to the appointment and salary of certain employees of the department of health and human services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Rulemaking Added. Amend RSA 151:9, I by inserting after subparagraph (m) the following new subparagraph:

(n) The administration of the pediatric vaccine distribution program under section 1928(a) of the Social Security Act.

2 References Changed. Amend RSA 167:16-a, II(a) to read as follows:

(a) From the estate of an individual who was [65] 55 years of age or older when he received such assistance, and then only after the death of his surviving spouse, if any, and only at a time when he has no surviving child who is under 21 years of age or is blind or permanently and totally disabled; and

3 New Paragraphs; Appointments, Division of Public Health Services. Amend RSA 125:9 by inserting after paragraph XI the following new paragraphs:

XII. With the consent of the commissioner, nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state physician epidemiologist who shall receive a salary in accordance with RSA 94:1-a. Upon appointment, the physician epidemiologist shall serve for a term of 4 years and until his successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

XIII. With the consent of the commissioner, nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state senior physician/dentist, division of public health services who shall receive a salary in accordance with RSA 94:1-a. Upon appointment, the senior physician/dentist, division of public health services shall serve for a term of 4 years and until his successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

XIV. With the consent of the commissioner, nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state forensic toxicologist who shall receive a salary in accordance with RSA 94:1-a. Upon appointment, the forensic toxicologist shall serve for a term of 4 years and until his successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

4 New Paragraph; Authorization for Appointment; Division of Human Services. Amend RSA 161:4 by inserting after paragraph VI the following new paragraph:

VII. With the consent of the commissioner, the director shall nominate a person duly qualified by training and experience for appointment by the governor and council to serve as the state senior physician, division of human services who shall receive a salary in accordance with RSA 94:1-a. Upon appointment, the senior physician, division of human services, shall serve for a term of 4 years and until his successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

5 Applicability. Appointments shall be made to fill the positions established in sections 3 and 4 of this act no later than 60 days after the effective date of this section and shall be funded as of July 1, 1993.

6 Date Changed. Amend RSA 161-H:3, I to read as follows:

I. Medical child support orders issued on or after [September] *October* 1, 1994, shall include a provision indicating that they may be subject to wage assignment, when the conditions of RSA 161-H:2, V have been met.

7 Contingency. If, SB 743-FN of the 1994 legislative session becomes law, then section 6 of this act shall take effect October 1, 1994, at 12:01 a.m. If SB 743-FN does not become law, section 3 of this act shall not take effect.

8 Repeal. The following are repealed:

I. RSA 167:3-c, VII, relative to rulemaking under RSA 167:3-d.

II. RSA 167:3-d, relative to medical assistance for pregnant women and infants.

III. 1982, 42:18, relative to branch offices of the division of welfare, department of health and human services.

9 Effective Date.

I. Section 7 of this act shall take effect October 1, 1994.

II. Section 6 of this act shall take effect in accordance with section 7 of this act.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Makes changes mandated by the 1993 Omnibus Budget Reconciliation Act.

(2) Repeals the statute relative to medical assistance for pregnant women and infants which is now covered by the children's health plan.

(3) Changes the date on which medical child support orders must begin to include provisions concerning wage assignment.

(4) Authorizes the director of the division of public health services, department of health and human services to appoint 4 physicians, with the consent of the commissioner.

Adopted.

The Committee offered a floor amendment.

Amendment (6412B)

Amend the bill by replacing section 7 with the following:

7 Contingency. If, SB 743-FN of the 1994 legislative session becomes law, then section 6 of this act shall take effect October 1, 1994, at 12:01 a.m. If SB 743-FN does not become law, section 6 of this act shall not take effect.

Rep. Franklin Torr spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDER

SB 600 FN-A, directing the liquor commission to license an agency liquor store in Center Harbor. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John F. Weeks, Jr. for the Majority of Ways and Means: The Majority of the committee supports the policy committee (Regulated Revenues, 14-0) in recommending passage of this bill which directs the Liquor Commission to license at least three agency stores and two special seasonal stores. It also requires by September 30, 1996 a report from the commission on the stores' effectiveness. Vote 10-6.

Reps. Donna M. Soucy and Avis B. Nichols for the Minority of Ways and Means: As amended by the House Regulated Revenues Committee, this bill forces the New Hampshire State Liquor Commission (NHSLC) to establish three agency stores by December 31, 1994 and two seasonal agency stores by June 30, 1995. This bill is not necessary because RSA 177:9 currently gives the NHSLC the authority to establish agency and seasonal stores. Presently, 99 percent of all towns have state liquor stores within 15 miles of each other. The Liquor Commission testified that locating five agency stores could result in a loss of \$250,000 to the general fund. This bill only serves to micromanage our fourth largest revenue source. Lastly, this legislative mandate is unnecessary because the NHSLC has stated that it is already establishing an agency store in the north country and is looking for other possible sites.

Rep. Donna Soucy moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass, spoke in favor and yielded to questions.

Rep. Ham spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Reidy moved that **SB 600-FN-A**, directing the liquor commission to license an agency liquor store in Center Harbor, be laid upon the table.

On a division vote, 119 members having voted in the affirmative and 193 in the negative, the motion failed.

SPECIAL ORDER (Cont'd.)

The question now being the adoption of the substitute motion of Inexpedient to Legislate. Reps. Carl Johnson and Kathleen Ward spoke against and yielded to questions.

Reps. Frances Riley and Newman spoke in favor.

Rep. Behrens spoke against and yielded to questions.

On a division vote, 190 members having voted in the affirmative and 134 in the negative, the motion was adopted.

The substituted Committee report was adopted.

Rep. Stone wished to be recorded in opposition.

Rep. McCann declared a conflict of interest and did not participate.

RECONSIDERATION

Having voted with the prevailing side, Rep. Gene Chandler moved that the House reconsider its action whereby it passed **SB 807-FN-L**, allowing the establishment of the Capital Wellness Center, Inc.

Rep. Trombly spoke in favor.

Reconsideration prevailed.

Rep. Gene Chandler offered a floor amendment.

Floor Amendment (6358B)

Amend section 2 of the bill by deleting paragraph IV.

Reps. Gene Chandler and Trombly spoke in favor.

Adopted.

Ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Warburton moved that the House reconsider its action whereby it passed **SB 724**, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing.

Reconsideration prevailed.

Rep. Warburton offered a floor amendment.

Floor Amendment (6377B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Rep. Warburton spoke in favor.

Rep. Hawkins spoke against.

On a division vote, 210 members having voted in the affirmative and 95 in the negative, the floor amendment was adopted.

Ordered to third reading.

SUSPENSION OF THE RULES

Reps. Jasper and Trombly moved that the Rules be so far suspended as to permit hearings without the proper notice on **SB 670-FN**, making technical corrections to the securities laws and relative to fees for securities registration and **SB 740-FN**, relative to employee leasing.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 17, 1994 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 575-FN, modifying the dental practice act.

SB 697-FN-A, relative to the New Hampshire Industrial Research Center and making an appropriation therefor.

SB 744-FN, establishing a committee to study providing health insurance to the dependents of retired state employees.

SB 788-FN-A, relative to alternative fuel motor vehicles.

SB 757-FN, relative to an education tax credit against the business profits tax.

SB 225-FN, relative to shoreland protection.

SB 547-FN-A, authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor.

SB 572-FN, relative to maximum benefit limitations under the New Hampshire retirement system.

SB 625-FN-A, relative to an in-home care pilot program and making an appropriation therefor.

SB 641-FN, relative to group II retirement system membership for peace officers in the division of safety services.

SB 644-FN-A, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101.

SB 655-FN-A, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor.

SB 669-FN-L, relative to creditable service under the retirement system for time during which a person is receiving workers' compensation.

SB 702-FN-A, relative to congregate housing and making an appropriation therefor.

SB 753-FN-A-L, relative to promoting economic self-sufficiency for families receiving AFDC.

SB 758-FN, relative to a civil filing fee surcharge for civil legal assistance to low-income persons.

SB 759-FN, relative to child support and making an appropriation therefor.

SB 761-FN, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor.

SB 767-FN, relative to mental illness coverage under insurance policies.

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor.

SB 774-FN, to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor.

SB 775-FN, providing medicaid coverage for adults 18 to 64 years of age.

SB 787-FN-A, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor.

SB 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.

SB 794-A, making a capital appropriation for highway transportation infrastructure.

SB 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections.

SB 593-FN, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor.

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership.

SB 144-FN-A, relative to the legacies and successions tax on property jointly owned.

SB 501-FN-A, relative to the business transition credit with respect to the business enterprise tax.

SB 594, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license.

SB 671-FN-A, negating the repeal of tax credits against the business profits tax and the investment tax credit.

SB 674-FN, placing responsibility for dredging projects in tidal waters with the port authority and continually appropriating certain fees to the port authority.

SB 756-FN-A, relative to the definition of "gross receipts" and "Public utility" for the calculation of the franchise tax with respect to the sale of gas.

SB 709-FN, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan.

SB 807-FN-L, allowing the establishment of the Capital Wellness Center, Inc.

SB 724, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing.

UNANIMOUS CONSENT

Rep. Guay addressed the House.

Rep. Jasper moved that the House stand in recess for the purpose of enrolling reports and appointing Committees of Conference only.

Adopted.

The House recessed at 4:40 p.m.

RECESS

(Rep. McRae in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 599, 1104, 1105, 1109, 1111, 1116, 1165, 1173, 1177, 1208, 1225, 1236, 1242, 1248, 1266, 1293, 1325, 1377, 1383, 1416, 1439, 1440 and 1502, and Senate Bills numbered 510, 532, 549, 555, 573, 579, 597, 598, 606, 622, 652, 695, 750, 751, 803, .

Rep. Dunn, Sen. Currier for the Committee

CONFEREE CHANGE

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping. Rep. Drake replaces Rep. Douglass.

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 21

Tuesday, May 17, 1994

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Renaud Dumont, Pastor of the Manchester French Speaking Baptist Church.

O Lord, our God, creator of the whole universe, it is our privilege to enter in Your presence right now to ask Your blessing upon this House and the people here. We want You, dear Lord, to bless our legislators, bless this session, help them all to know You and be able work with You and to listen to Your voice talking to them. Grant them Your wisdom, Your guidance as we are living in a very difficult world with all kinds of problems and issues and we want them to be in Your hands today. Bless each one of us as we pray in Your mighty name. Amen.

Rep. Sullivan led the Pledge of Allegiance.

SPECIAL GUESTS

The Exeter AREA Junior High School Chamber Choir sang the National Anthem and two other songs. The Merrimack Cardinals Junior Midget Football team and their coaches; the Merrimack Cardinals Junior Midget Cheerleaders and Midget Cheerleaders and their coaches.

LEAVES OF ABSENCE

Reps. Kennedy, Vincent and Ruth Gage, the day, illness.

Reps. Stamatakis, Crum, Below, Ralph Torr, Cogswell, Hashem, Lessard, Arndt, McNamara, Holl, Douglass, Snyder, Langer, Carter, Charles Cote, Hawkins, Copenhaver and Marsha Pelletier, the day, important business.

Rep. Lovejoy, the day, illness in the family.

GUESTS ON THE ROSTRUM

Donald W. Cameron, Consul General of Canada in Boston and Terry Colfer, Deputy Consul General of Canada in Boston, guests of the House.

INTRODUCTION OF GUESTS

Joe Shea, guest of Reps. Laughlin and Reidy. William Nehring, son of Rep. Nehring. Margaret Lynott, guest of Rep. Burnham. The 4th grade classes from the Hollis Elementary School and their teachers, guests of Rep. Durham. Maggie Woods, daughter of Rep. Woods. Diane Horton, cousin of Rep. McGrath. Ann Dickinson and Grant Hayunga, daughter and son-in-law of Rep. Dickinson. Laura Coughlin, daughter of Rep. Coughlin.

COMMUNICATION

May 10, 1994

To The Honorable Members of the General Court:

Today, HB 686, an Act relative to legislative review of proposed administrative rules, has become law without my signature.

While I have serious concerns about the procedures established in the Bill, I have decided not to veto the measure. I share the Legislature's perception that our rule-making process needs significant reform. This Bill, however, has the potential for further straining the relationship between the executive branch agencies and the Legislature's Rules Committee. The staff of that Committee continues to focus on details rather than substance and creates unnecessary conflicts and delays within state government.

HB 686 will broaden legislative oversight of administrative rules to allow for the potential of months of delay before proposed rules could be adopted. The measure focuses on a perceived need for increased legislative oversight of the adoption of rules by effectively creat-

ing a Legislative veto over any proposed rules which the Joint Legislative Committee on Administrative Rules deems appropriate for review by the full Legislature. This procedure will allow the Committee to delay the adoption of any rule for a minimum of 45 days and potentially for many months, even over the course of two sessions of the General Court. Such delays cannot be tolerated in an era when the public is rightfully demanding greater responsiveness and efficiency from its governmental officials and agencies.

I believe the more efficient and balanced approach to rule-making reform is SB 805. The introduction of that bill resulted from last year's Chapter 150 Study Committee's work in reviewing the need for reform in the administrative rule-making process. SB 805 completely reorganizes RSA Chapter 541-A, the Administrative Procedures Act, into a more streamlined, workable statute, and it amends RSA 541-A in ways which more effectively introduce needed reform in our current rule-making system.

The threat that rules may be held up for many months while the Legislature considers whether to issue a veto is unacceptable in an age when the public demands streamlined government. I can assure you that if the department heads are adversely affected by the application of HB 686 to their rule-making process, I will be forced to introduce further legislation to address this situation.

Stephen Merrill
Governor

SENATE MESSAGES CONCURRENCE

HB 260-FN-A, establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services.

HB 459-FN-A, establishing a program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor.

HB 1179, relative to the information required in agency requests for appropriations during the budget preparation process.

HB 1183-FN-L, providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members.

HB 1213-FN-A, appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made.

HB 1300-FN-A, requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation.

HB 1382, creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund.

HB 1462-L, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems.

HB 1472-FN, making an appropriation to the fund for domestic violence programs.

HB 1507-FN, relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act.

HB 1523-FN-A, establishing a state veterans' cemetery and making an appropriation therefor.

HB 1536-FN, authorizing the court to issue emergency temporary orders telephonically.

HB 1539-FN, establishing a statewide intermodal transportation planning and improvement program.

HB 1553-A, making a capital appropriation to the supreme court for the design of an administrative office building.

HCR 25, a resolution in support of the free transfer of the former Pease Air Force Base.

CONCURRENCE WITH AMENDMENTS

SB 144-FN-A, relative to the legacies and successions tax on property jointly owned.

SB 508-L, enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities.

SB 516, making it a violation to fail to render aid when requested by a law enforcement officer who requires aid in a criminal case or an emergency situation.

SB 517, making it a crime to obstruct the reporting of a crime or a bodily injury.

SB 541-FN, allowing the commissioner of the department of health and human services to settle small claims against the departments.

SB 547-FN-A, encouraging the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and establishing a committee to study the acquisition of both properties and making an appropriation therefor.

SB 548-FN, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants.

SB 552, providing for ownership rights to dies, molds, forms, and patterns under certain conditions.

SB 558, relative to imposing late payment fees on retail credit customers.

SB 572-FN, relative to maximum benefit limitations under the New Hampshire retirement system.

SB 575-FN, modifying the dental practice act.

SB 585, increasing penalties for certain acts of cruelty to animals.

SB 591, relative to notification of aerial pesticide application.

SB 593-FN, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor.

SB 594-FN, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license; liquor hours of sale; purchases by the liquor commission; payments to on-sale or off-sale licensees by holders of beverage manufacturer, vender, or distributor licenses; and definitions for purposes of the liquor laws.

SB 603, relative to the definition and payment of salaried employees.

SB 605, relative to driving a motor vehicle after license revocation or suspension.

SB 625-FN, relative to an in-home care pilot program and relative to community based care and making appropriations therefor.

SB 637-FN, relative to a pilot program concerning the use of deicing methods and alternatives.

SB 641-FN, relative to group II retirement system membership for full-time marine patrol officers in the division of safety services.

SB 655-FN-A, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor.

SB 674-FN-A, placing responsibility for dredging projects in tidal waters with the port authority, continually appropriating certain fees to the port authority and compensating the public members of the wetlands board for their services.

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; granting municipalities options for fire department financing and property ownership; and changing the bureau of fire standards and training to the division of fire and standards and training.

SB 697-FN-A, relative to the New Hampshire Industrial Research Center.

SB 719, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.

SB 724, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing.

SB 733-FN, requiring certification of athletic trainers, including fees for certification.

SB 752-FN, relative to signage on highways and signage fees.

SB 753-FN-A-L, relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor.

SB 754-FN, directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

SB 757-FN-A, requiring the house ways and means committee to study the state's tax credit incentives.

SB 759-FN-A, relative to child support and making an appropriation therefor.

SB 760-FN-A-L, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees and relative to the recognition of tax anticipation notes for the purpose of setting property tax rates.

SB 768-FN, relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways.

SB 771-FN-A, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases and making an appropriation therefor.

SB 774-FN, to increase the medicaid coverage for all pregnant women and children up to 18 years of age and making an appropriation therefor.

SB 775-FN, providing medicaid coverage for adults 18 to 64 years of age changing the definition of disability for the purposes of eligibility for aid to the permanently and totally disabled and making an appropriation therefor.

SB 787-FN-A, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor.

SB 788-FN-L, relative to alternative fuel motor vehicles.

SB 805, reorganizing and making further amendments to the administrative procedure act.

NONCONCURRENCE

HB 257-FN, establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys.

HB 1278-FN-A, making an appropriation to fund the position of state curator.

HB 1548-FN, relative to medical and surgical benefits for state employees and establishing a committee to study eligibility requirements for receiving state medical and surgical benefits.

REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1428, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park.

REFERRED FOR INTERIM STUDY

HB 1569-FN, relative to administrative review of suspended or revoked motor vehicle licenses.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 225-FN, relative to shoreland protection.

The President appointed Sens. McLane, Pignatelli and Russman.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Conroy, Dickinson, Merritt and Schotanus.

SB 518, relative to life and health insurance policy language simplification.

The President appointed Sens. Blaisdell, Hollingworth and McLane.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Beverly Gage, Mercer, Hunt and Braiterman.

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process.

The President appointed Sens. John King, Hollingworth and McLane.

Rep. Robert Foster moved that the House accede.

Adopted.

The Speaker appointed Reps. Amidon, Sargent, Morello and Katherine Wheeler.

SB 580-FN, establishing a committee to study future directions for New Hampshire child care licensing policies.

The President appointed Sens. John King, McLane and Baldizar.

Rep. Holden moved that the House accede.

Adopted.

The Speaker appointed Reps. Holden, Arndt, Wadsworth and Lionel Johnson.

SB 589, relative to the powers of fiduciaries in environmental matters.

The President appointed Sens. Fraser, Russman and Lamirande.

Rep. Lown moved that the House accede.

Adopted.

The Speaker appointed Reps. Hart, Mittleman, Newman and Lockwood.

SB 592, relative to the display of expired motor vehicle plates.

The President appointed Sens. MacDonald, Bourque and Roberge.

Rep. George Katsakiores moved that the House accede.

Adopted.

The Speaker appointed Reps. Jasper, Malcolm, Regan and Raynowska.

SB 608, increasing the penalty for certain DWI offenses to include lifetime license revocation.

The President appointed Sens. Podles, Colantuono and Hollingworth.

Rep. Donna Sytek moved that the House accede.

Adopted.

The Speaker appointed Reps. Lozeau, C. William Johnson, Richard Campbell and Hambrick.

SB 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation."

The President appointed Sens. Podles, John King and Baldizar.

Rep. Holden moved that the House accede.

Adopted.

The Speaker appointed Reps. Hager, Woods, Holden and Irene Pratt.

SB 621-FN, relative to eligibility for unemployment benefits.

The President appointed Sens. Barnes, Lamarinde and Pignatelli.

Rep. Turner moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, Turner, Perkins and Bagley.

SB 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections..

The President appointed Sens. Blaisdell, Hollingworth and Currier.

Rep. Channing Brown moved that the House accede.

Adopted.

The Speaker appointed Reps. Franklin Torr, Robert Wheeler, Klemm and David Cote.

SB 644-FN-A, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101.

The President appointed Sens. Shaheen, Cohen and MacDonald.

Rep. Gene Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. Gene Chandler, John Chandler, Katherine Rogers and Schotanus.

SB 650, establishing a lead base paint substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund.

The President appointed Sens. Shaheen, John King and Lovejoy.

Rep. Channing Brown moved that the House accede.

Adopted.

The Speaker appointed Reps. Franklin Torr, Robert Johnson, Klemm and Wallner.

SB 667, relative to guardians ad litem appointed in child protection cases.

The President appointed Sens. Podles, Hollingworth and Baldizar.

Rep. Lown moved that the House accede.

Adopted.

The Speaker appointed Reps. Battles, Woods, DePecol and Robert Johnson.

SB 671-FN-A, negating the repeal of tax credits against the business profits tax and the investment tax credit.

The President appointed Sens. McLane, Blaisdell and Hough.

Rep. Cowenhoven moved that the House accede.

Adopted.

The Speaker appointed Reps. Cowenhoven, Nichols, Jasper and Pageotte.

SB 701-FN-A-L, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee.

The President appointed Sens. Wayne King, Fraser and Colantuono.

Rep. Gene Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. Gene Chandler, McCarty, Keans and Katherine Rogers.

SB 709-FN, relative to changes mandated by OBRA, and repealing a statute in conflict with the children's health plan.

The President appointed Sens. John King, McLane and Baldizar.

Rep. Robert Foster moved that the House accede.

Adopted.

The Speaker appointed Reps. Amidon, Franklin Torr, Robert Wheeler and Haettenschwiller.

SB 716-FN, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

The President appointed Sens. Russman, Currier and Wayne King.

Rep. Musler moved that the House accede.

Adopted.

The Speaker appointed Reps. Jeb Bradley, Amanda Merrill, Wasson and Philbrick.

SB 717, relative to false residency forms and automobile insurance.

The President appointed Sens. Blaisdell, Fraser and Russman.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Mercer, Lindblade and Newland.

SB 747-FN, relative to lease-purchase agreements.

The President appointed Sens. Fraser, Baldizar and Lamirande.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Hill, Mercer and Newland.

SB 758-FN, relative to a civil filing fee surcharge for civil legal assistance to low-income persons.

The President appointed Sens. McLane, Hollingworth and Baldizar.

Rep. Lown moved that the House accede.

Adopted.

The Speaker appointed Reps. Lockwood, Newman, Robert Wheeler and Franklin Torr.

SB 761-A, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor.

The President appointed Sens. MacDonald, Shaheen and Lamirande.

Rep. Gene Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. Gene Chandler, Pfaff, Katherine Rogers and Schotanus.

SB 763, establishing an executive board for community service.

The President appointed Sens. Shaheen, John King and Roberge.

Rep. Kidder moved that the House accede.

Adopted.

The Speaker appointed Reps. Kathleen Ward, McRae, Gosselin and Langer.

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor.

The President appointed Sens. John King, McLane and Blaisdell.

Rep. Donna Sytek moved that the House accede.

Adopted.

The Speaker appointed Reps. Donna Sytek, Franklin Torr, Lozeau and Knowles.

SB 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.

The President appointed Sens. John King, Hollingworth and Hough.

Rep. Robert Foster moved that the House accede.

Adopted.

The Speaker appointed Reps. Robert Foster, Ann Torr, Douglas Hall and Wallner.

SB 794-A, making a capital appropriation for highway transportation infrastructure.

The President appointed Sens. Hough, Shaheen and MacDonald.

Rep. Gene Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. Gene Chandler, Schotanus, LaMott and Katherine Rogers.

SB 806, relative to a capital appropriation for repair and restoration of the state house.

The President appointed Sens. Shaheen, MacDonald and Baldizar.

Rep. Gene Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. John Chandler, Pfaff, Franklin Torr and Ahern.

SB 807, allowing the establishing of the Capital Wellness Center, Inc.

The President appointed Sens. John King, Currier and McLane.

Rep. Gene Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. Gene Chandler, Pfaff, Keans and Katherine Rogers.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 161-FN-A, increasing the membership of the adult parole board. (Amendment printed SJ 17, 5/12/94)

Rep. Kidder moved that the House concur.

Adopted.

HB 178-FN, relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators. (Amendment printed SJ 17, 5/12/94)

Rep. Kidder moved that the House concur.

Adopted.

HB 190-FN, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments. (Amendment printed SJ 17, 5/12/94)

Rep. Kidder moved that the House nonconcur.

Adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Scanlan moved that the House reconsider its action whereby it nonconcurred with the Senate amendment to **HB 190-FN**, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments.

Adopted.

Rep. Scanlan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Boucher, Scanlan, Dowd and Groves.

REQUESTS CONCURRENCE WITH AMENDMENTS (Cont'd.)

HB 279, prohibiting certain household cleansing products containing phosphates. (Amendment printed SJ 15, 5/10/94)

Rep. Musler moved that the House concur.

Adopted.

HB 317, establishing a grant program for closure of unlined solid waste landfills. (Amendment printed SJ 17, 5/12/94)

Rep. Channing Brown moved that the House concur.

Adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Channing Brown moved that the House reconsider its action whereby it concurred with the Senate amendment to **HB 317**, establishing a grant program for closure of unlined solid waste landfills.

Adopted.

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Franklin Torr, Schotanus, Channing Brown and Lynch.

REQUESTS CONCURRENCE WITH AMENDMENTS (Cont'd.)

HB 414-FN-L, providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system. (Amendment printed SJ 17, 5/12/94)

Rep. Kidder moved that the House concur.

Adopted.

HB 438-FN, requiring criminal history record checks for sales of handguns by dealers using a toll-free telephone number. (Amendment printed SJ 17, 5/12/94)

Rep. Welch moved that the House concur.

Adopted.

HB 439, relative to the profession of engineering. (Amendment printed SJ 17, 5/12/94)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Boucher, Dowd, Groves and Emerton.

HB 451-FN, requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice. (Amendment printed SJ 11, 4/14/94)

Rep. Robert Foster moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Foster, Ziegra, Kathleen Ward and Katherine Wheeler.

HB 458-FN-L, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause. (Amendment printed SJ 15, 5/10/94)

Rep. Robert Foster moved that the House nonconcur.

Adopted.

HB 622-FN, relative to solid waste management districts. (Amendment printed SJ 17, 5/12/94)
Rep. Musler moved that the House concur.
Adopted.

HB 634, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists. (Amendment printed SJ 17, 5/12/94)
Rep. Flanagan moved that the House nonconcur.
Adopted.

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. (Amendment printed SJ 17, 5/12/94)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Beverly Gage, Hill, Kathleen Ward and Newland.

HB 652-FN, relative to state fee reform. (Amendment printed SJ 17, 5/12/94)
Rep. Horton moved that the House concur.
Adopted.

HB 656-FN, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. (Amendment printed SJ 17, 5/12/94)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Kathleen Ward, Dyer, Holbrook and McGrath.

HB 1010, relative to a 10-year transportation plan. (Amendment printed SJ 17, 5/12/94)
Rep. Gene Chandler moved that the House concur.
Adopted.

HB 1100, relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild canines. (Amendment printed SJ 17, 5/12/94)

Rep. Drake moved that the House concur.
Adopted.

HB 1118, eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glencliff home for the elderly be determined in accordance with the administrative procedure act. (Amendment printed SJ 17, 5/12/94)

Rep. Channing Brown moved that the House concur.
Adopted.

HB 1135, relative to a judicial council study of family matters within the state court system. (Amendment printed SJ 16, 5/11/94)

Rep. Lown moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Elizabeth Moore, Lockwood, Wall and Woods.

HB 1142-FN, relative to lenders regulated by the banking department and relative to consumer credit transactions. (Amendment printed SJ 16, 5/11/94)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Bonnie Packard, Hunt, Teschner and Crory.

HB 1144-FN, permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee. (Amendment printed SJ 15, 5/10/94)

Rep. Drake moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Drake, Coulombe, Lachut and Linda Ann Smith.

HB 1153-FN, adopting the revised Uniform Enforcement of Foreign Judgments Act.
(Amendment printed SJ 17, 5/12/94)

Rep. Lown moved that the House concur.
Adopted.

HB 1158, relative to the state's policy regarding the review and assessment of new health services. (Amendment printed SJ 16, 5/11/94)

Rep. Robert Foster moved that the House concur.
Adopted.

HB 1185-FN, relative to fees charged for the registration of private pesticide applicators.
(Amendment printed SJ 17, 5/12/94)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Rep. Martin spoke against.
Rep. Scanlan spoke in favor.
Roll call request not sufficiently seconded.
Adopted.

The Speaker appointed Reps. Scanlan, Jeb Bradley, Trelfa and Coes.

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature. (Amendment printed SJ 17, 5/12/94)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Beverly Gage, Drolet, Jasper and Loder.

HB 1191-FN, relative to victims and victims' compensation. (Amendment printed SJ 17, 5/12/94)

Rep. Lown moved that the House concur.
Adopted.

HB 1194-FN, relative to the board of accountancy and related professional fees. (Amendment printed SJ 17, 5/12/94)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Fillion, John Sytek, Gosselin and Kathleen Ward.

HB 1214-FN, relative to driver safety at highway construction sites. (Amendment printed SJ 17, 5/12/94)

Rep. George Katsakiores moved that the House concur.
Adopted.

HB 1217-FN-L, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges. (Amendment printed SJ 17, 5/12/94)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Gene Chandler, Pfaff, McCarty and Ahern.

HB 1237, making interference with the duty of a probation or parole officer a crime. (Amendment printed SJ 17, 5/12/94)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Richard Campbell, Donna Sytek, Knowles and Kathleen Ward.

HB 1245, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance. (Amendment printed SJ 17, 5/12/94)
Rep. Robert Kelley moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Robert Kelley, Horton, Reidy and Ann Torr.

HB 1260-FN-L, establishing a task force to study public education funding issues. (Amendment printed SJ 17, 5/12/94)

Rep. Cowenhoven moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Cowenhoven, Nichols, Trelfa and Joyce Johnson.

HB 1262-FN, relative to the compensation for medical, hospital, and remedial care under workers' compensation. (Amendment printed SJ 17, 5/12/94)

Rep. Turner moved that the House concur.
Adopted.

HB 1268-FN-A-L, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor. (Amendment printed SJ 17, 5/12/94)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Gene Chandler, John Chandler, Pfaff and Sullivan.

HB 1282, allowing coyote hunting at night. (Amendment printed SJ 15, 5/15/94)

Rep. Drake moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Lachut, Schanda, Linda Ann Smith and Felch.

HB 1285-FN-L, permitting solid waste management districts to contract with certain persons for solid waste management services. (Amendment printed SJ 15, 5/10/94)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Lee, Amanda Merrill, Messier and Hauck.

HB 1290-FN, changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees. (Amendment printed SJ 16, 5/11/94)

Rep. Kidder moved that the House concur.
Adopted.

HB 1329-L, clarifying the definition of public employee for purposes of workers' compensation. (Amendment printed SJ 15, 5/10/94)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Bonnie Packard, Beverly Gage, Mercer and Braiterman.

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. (Amendment printed SJ 14, 5/3/94)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Patricia Brown, Yeaton, Durham and Holden.

HB 1372, establishing the granite state cultural legacy award. (Amendment printed SJ 15, 5/10/94)

Rep. Kidder moved that the House concur.
Adopted.

HB 1378, allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards. (Amendment printed SJ 17, 5/12/94)

Rep. George Katsakiores moved that the House nonconcur.
Adopted.

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D. (Amendment printed SJ 17, 5/12/94)

Rep. Musler moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Trelfa, Amanda Merrill, Pullman and Peyron.

HB 1422-FN-L, relative to the dog control laws and the portion of the dog license fee retained by municipalities. (Amendment printed SJ 15, 5/10/94)

Rep. Wadsworth moved that the House concur. Adopted.

HB 1429-L, exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies. (Amendment printed SJ 16, 5/11/94)

Rep. Holden moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Holden, Arndt, Wadsworth and Lionel Johnson.

HB 1442-FN-A, relative to a real estate transfer questionnaire. (Amendment printed SJ 17, 5/12/94)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Wadsworth, Cowenhoven, Dowling and St. Martin.

HB 1456, relative to mental health care service providers. (Amendment printed SJ 17, 5/12/94)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Beverly Gage, Hunt, Yennaco and Braiterman.

HB 1458-FN-L, to provide incentive through school building aid for establishing and maintaining public kindergarten programs. (Amendment printed SJ 17, 5/12/94)

Rep. Skinner moved that the House concur. Adopted.

HB 1461, establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire. (Amendment printed SJ 16, 5/11/94)

Rep. Robert Foster moved that the House nonconcur. Rep. Ann Torr yielded to questions. Adopted.

HB 1469, relative to the definition of "impact fee" for the purpose of innovative land use controls. (Amendment printed SJ 17, 5/12/94)

Rep. Wadsworth moved that the House concur. Adopted.

HB 1484-L, relative to the tax exempt status of certain properties. (Amendment printed SJ 17, 5/12/94)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Stone, Weyler, Wadsworth and Linda Foster.

HB 1495, relative to taxes paid on simulcast racing. (Amendment printed SJ 17, 5/12/94)

Rep. Robert Kelley moved that the House concur. Adopted.

HB 1496-FN-L, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities. (Amendment printed SJ 17, 5/12/94)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Trelfa, Wasson, Lee and Daigle.

HB 1512-FN, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee. (Amendment printed SJ 15, 5/10/94)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Philbrick, Messier, Aranda and Betty Hall.

HB 1515-FN, relative to the emissions reduction credits trading program. (Amendment printed SJ 17, 5/12/94)

Rep. Rodeschin moved that the House concur.
Adopted.

HB 1518-A, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated. (Amendment printed SJ 17, 5/12/94)

Rep. Gene Chandler moved that the House concur.
Adopted.

HB 1528-FN-L, establishing a safe school zone and relative to school violence. (Amendment printed SJ 17, 5/12/94)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.
Rep. Gorman spoke against.

Rep. Skinner spoke in favor and yielded to questions.

Rep. Donna Sytek spoke in favor.
Adopted.

The Speaker appointed Reps. Franks, Williamson, Skinner and John White.
Rep. Houlahan wished to be recorded against the motion.

HB 1533, relative to the composition of the pesticide control board. (Amendment printed SJ 15, 5/10/94)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Wasson, Marilyn Campbell, Jeb Bradley and Hanselman.

HB 1535, exempting certain vessels from the state vessel registration fee and the boat fee. (Amendment printed SJ 14, 5/3/94)

Rep. George Katsakiores moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Klemarczyk, Thomas Cain, Callaghan and Robert Wheeler.

HB 1551-FN-A, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control. (Amendment printed SJ 17, 5/12/94)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Kathleen Ward, Schotanus, McGrath and Dyer.

HB 1566-FN, relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in places which are organized and which are not organized for voting, and relative to the declaration of intent form which must be filed by candidates. (Amendment printed SJ 17, 5/12/94)

Rep. Flanagan moved that the House concur.
Adopted.

HB 1571, appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse. (Amendment printed SJ 17, 5/12/94)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Driscoll, Calawa and Katherine Rogers.

HB 1572-FN, relative to the public employee labor relations board and filing fees and making an appropriation therefor. (Amendment printed SJ 17, 5/12/94)

Rep. Turner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Cowenhoven, Robert Wheeler and Palmer.

HB 1580-FN-A, increasing the funds appropriated to finance the gubernatorial transition. (Amendment printed SJ 17, 5/12/94)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Holbrook, Franklin Torr, Lindblade and Crory.

HB 1586-FN-L, regarding victim and law enforcement access to certain confidential information regarding a juvenile offender. (Amendment printed SJ 16, 5/11/94)

Rep. Holden moved that the House concur.

Adopted.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 190-FN, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments.

The President appointed Sens. Blaisdell, Hollingworth and MacDonald.

HB 280, relative to zoning requirements for family day care homes

The President appointed Sens. Roberge, Barnes and Baldizar

HB 317, establishing a grant program for closure of unlines solid waste landfills.

The President appointed Sens. Pignatelli, Fraser and Shaheen.

HB 389, relative to the disclosure of certain historical information regarding property.

The President appointed Sens. Currier, John King and Fraser.

HB 439, relative to the profession of engineering.

The President appointed Sens. Currier, Colantuono and Bourque.

HB 451-FN, requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.

The President appointed Sens. John King, McLane and Hollingworth.

HB 628-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons.

The President appointed Sens. MacDonald, Shaheen and Baldizar.

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.

The President appointed Sens. Currier, Bourque and John King.

HB 656-FN, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991.

The President appointed Sens. Blaisdell, MacDonald and Shaheen.

HB 661-FN-A, relative to the highway and bridge betterment program.

The President appointed Sens. MacDonald, Cohen and Lamirande.

HB 1120-L, making procedural and housekeeping changes regarding the board of tax and land appeals.

The President appointed Sens. Currier, Blaisdell and Bourque.

HB 1135, relative to a judicial council study of family matters within the state court system.

The President appointed Sens. Podles, Hollingworth and Baldizar.

HB 1142-FN, relative to lenders regulated by the banking department and relative to consumer credit transactions.

The President appointed Sens. Fraser, Baldizar and Barnes.

HB 1144-FN, permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee.

The President appointed Sens. Cohen, Roberge and Blaisdell.

HB 1180, modifying the arson statutes to include historic structures and increasing the penalty.

The President appointed Sens. Podles, Colantuono and Baldizar.

HB 1185-FN, relative to fees charged for the registration of private pesticide applicators.

The President appointed Sens. Russman, Pignatelli and Lamirande.

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature.

The President appointed Sens. Fraser, Baldizar and Bourque.

HB 1193, amending the charter of St. Mary's Bank.

The President appointed Sens. Fraser, Barnes and Baldizar.

HB 1194-FN, relative to the board of accountancy and related professional fees.

The President appointed Sens. Currier, John King and Lovejoy.

HB 1217-FN-L, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges.

The President appointed Sens. MacDonald, Shaheen and Bourque.

HB 1231, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial.

The President appointed Sens. Barnes, John King and MacDonald.

HB 1237, making interference with the duty of a probation or parole officer a crime.

The President appointed Sens. John King, Blaisdell and Colantuono.

HB 1240, permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water.

The President appointed Sens. Bourque, Pignatelli and MacDonald.

HB 1245, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance.

The President appointed Sens. McLane, Hollingworth and Blaisdell.

HB 1260-FN-L, establishing a task force to study public education funding issues.

The President appointed Sens. McLane, Blaisdell and Hough.

HB 1268-FN-A-L, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor.

The President appointed Sens. Currier, Wayne King and MacDonald.

HB 1282, allowing coyote hunting at night.

The President appointed Cohen, Blaisdell and Roberge.

HB 1283, relative to transporting loads on highways and establishing fines.

The President appointed Sens. MacDonald, Lamirande and Cohen.

HB 1285-FN-L, permitting solid waste management districts to contract with certain persons for solid waste management services.

The President appointed Sens. Russman, Pignatelli and Lamirande.

HB 1309, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.

The President appointed Sens. Blaisdell, MacDonald and Hollingworth.

HB 1327-FN, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game.

The President appointed Sens. Cohen, Lovejoy and Roberge.

HB 1329-L, clarifying the definition of public employee for purposes of workers' compensation.

The President appointed Sens. Shaheen, MacDonald and Hollingworth.

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state.

The President appointed Sens. Bourque, Currier and Disnard.

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D.

The President appointed Sens. Russman, Cohen and Pignatelli.

HB 1415-L, relative to approval of the goals and future conditions section of the master plan by the local legislative body.

The President appointed Sens. John King, Lovejoy and Pignatelli.

HB 1420, relative to the sale of defective vehicles.

The President appointed Sens. MacDonald, Bourque and Roberge.

HB 1429-L, exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

The President appointed Sens. John King, MacDonald and McLane.

HB 1442-FN-A, relative to real estate transfer questionnaire.

The President appointed Sens. John King, Colantuono and Lovejoy.

HB 1447-FN, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPS.

The President appointed Sens. John King, McLane and Podles.

HB 1450-L, permitting municipalities to expand the information contained on property tax bills and to include other bills and tax abatement information mailings with property tax bills.

The President appointed Sens. Roberge, Barnes and Bourque.

HB 1456, relative to mental health care service providers.

The President appointed Sens. John King, Fraser and Shaheen.

HB 1484-L, relative to the tax exempt status of certain properties.

The President appointed Sens. McLane, Shaheen and Barnes.

HB 1496-FN-L, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities.

The President appointed Sens. Russman, Pignatelli and MacDonald.

HB 1512-FN, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee.

The President appointed Sens. Russman, Pignatelli and Lamirande.

HB 1525, relative to communications that constitute harassment.

The President appointed Sens. Podles, Baldizar and MacDonald.

HB 1528-FN-L, establishing a safe school zone and relative to school violence.

The President appointed Sens. Baldizar, Colantuono and Cohen.

HB 1533, relative to the composition of the pesticide control board.

The President appointed Sens. Russman, Currier and Lamirande.

HB 1535, exempting certain vessels from the state vessel registration fee and the boat fee.

The President appointed Sens. Cohen, Roberge and Blaisdell.

HB 1551-FN-A, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control.

The President appointed Sens. Blaisdell, Russman and Hollingworth.

HB 1571-A, appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse.

The President appointed Sens. Shaheen, Roberge and Baldizar.

HB 1572-FN, relative to the public employee labor relations board and filing fees and making an appropriation therefor.

The President appointed Sens. Barnes, Pignatelli and Lovejoy.

HB 1580-FN-A, increasing the funds appropriated to finance the gubernatorial transition.

The President appointed Sens. John King, Barnes and Podles.

ENROLLED BILLS AMENDMENTS

HB 404, relative to the prohibited coercion of employees to make political contributions.

Amendment (6242B)

Amend section 1 of the bill by replacing lines 2 and 3 with the following:
inserting after paragraph XV the following new paragraph:

XVI. "Business organization" means any enterprise, whether
Adopted.

HB 1117, relative to new motor vehicle arbitration.

Amendment (6374B)

Amend RSA 357-D:2, XIII as inserted by section 2 of the bill by replacing line 1 with the following:

XIII. "New motor vehicle" means a
Adopted.

HB 1143, increasing the penalties for illegal clamming.

Amendment (6390B)

Amend lines 3-10 of section 1 of the bill by replacing them with the following:
211:62-f Illegal Taking of Clams.

I. Notwithstanding any other law to the contrary, a person is guilty of a misdemeanor if such person:

(a) Takes clams (*Mya arenaria*) between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.

(b) Takes or possesses in one calendar day more than one bushel, liquid measure, of unshucked clams, while on or leaving any clam flat or any waters under the jurisdiction of this state.

II. Any person convicted of violating subparagraph I(a) or I(b) shall
Adopted.

HB 1216, allowing the exclusion of certain corporate officers and members and managers of limited liability companies from workers' compensation coverage.

Amendment (6389B)

Amend section 1 of the bill by replacing line 16 with the following:
employees and except that there shall be no such exclusion in determining employer status for the purposes of RSA 281-A:23-b (alternative work opportunities), RSA 281-A:25-a (reinstatement) and RSA 281-A:64 (safety).

Adopted.

HB 1323-FN, requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates.

Amendment (6363B)

Amend section 1 of the bill by replacing lines 3-4 with the following:
any person [or entity which] *certified as a vocational rehabilitation provider under RSA 281-A:68 or RSA 281-A:69 and who* operates for the purpose of

Adopted.

HB 1335-FN, making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees.

Amendment (6372B)

Amend RSA 502-A:8 as inserted by section 2 of the bill by replacing line 2 with the following:

all fines and forfeitures paid into the district court from any source. The clerk of any district or municipal court may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited in the general fund and not out of the penalty assessment charged by a district or municipal court.

Adopted.

HB 1568-FN-L, requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution.

Amendment (6373B)

Amend section 2 of the bill by replacing line 4 with the following:
radon or other *health* hazards [to health] present in indoor air[.]; *and* provide
Adopted.

SB 562, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license.

Amendment (6508B)

Amend the bill by replacing all after section 1 with the following:

2 License to Carry a Pistol; Renewal Date Changed. Amend RSA 159:6 to read as follows:

159:6 License to Carry. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not more than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting or self defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original [thereof] shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. *When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance.* The license shall be issued within 14 days after application [therefor], and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy [thereof] kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue said licenses. No other forms shall be used by officials of cities and towns. The cost of said forms shall be paid out of the fees received from nonresident licenses.

3 Provision Nullified. 1994, 115:1, relative to license to carry, shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

SB 604-FN, relative to the medicaid look-back provisions for applicants for public or medical assistance and authorizing the commissioner of the department of health and human services to adopt rules relative to the compensation of the members of the drug use review board.

Amendment (6503B)

Amend RSA 167:4, II as inserted by section 1 of the bill by replacing line 3 with the following:

fair market value within [30 months] *36 months or in the case of payments from a*

Adopted.

SB 658, regulating the practice of dental hygiene, including the issuance of licenses and fees.

Amendment (6505B)

Amend RSA 317-A:21-c as inserted by section 3 of the bill by replacing lines 4-5 with the following:

"R.D.H.", or using the words or symbols indicates that the person is a licensed dental hygienist who provides care that is educational,

Adopted.

SB 677-FN, relative to paternity.

Amendment (6507B)

Amend section 3 of the bill by replacing line 4 with the following:
subparagraph I(b) or paragraph II, the following procedures shall apply:

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 459, 583, 1101, 1106, 1107, 1134, 1147, 1179, 1227, 1247, 1254, 1263, 1284, 1349, 1398, 1443, 1462, 1476, 1509 and 1588 and Senate Bills 503, 520, 536, 547, 558, 572, 576, 613, 634, 702, 726, 730, 743 and 802

Rep. Dunn, Sen. Currier for the Committee

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration beyond the deadline of **SB 670-FN**, making technical corrections to the securities laws and relative to fees for securities registration, and **SB 740-FN**, relative to employee leasing.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS

REGULAR CALENDAR

SB 670-FN, making technical corrections to the securities laws and relative to fees for securities registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Appropriations: The committee's amendment focuses on the investor education fund, requiring that expenditures from it for this biennium be made with the approval of the Fiscal Committee; that expenditures for next biennium go through the normal appropriations process; and that any amount in the fund in excess of \$800,000 at the end of each fiscal year be credited to the general fund. Vote 13-2.

Amendment (6497B)

Amend RSA 6:12, I(iii) as inserted by section 29 of the bill by replacing it with the following:

(iii) Moneys received under RSA 421-B:26, I, II and III, which shall be credited to the investor education fund established in RSA 421-B:21, II-c.

Amend RSA 421-B:26, IV as inserted by section 32 of the bill by replacing it with the following:

IV. All moneys collected as an administrative penalty under this chapter shall be credited to an investor education fund to be maintained by the state treasurer. *Funds in excess of \$800,000 at the end of each fiscal year shall be credited to the general fund.* The secretary of state shall use moneys credited to that fund to provide information to residents of this state about investments in securities, to help investors and potential investors evaluate their investment decisions, protect themselves from unfair, inequitable or fraudulent offerings, choose their broker-dealers, agents or investment advisers more carefully, be alert for false or misleading advertising or other harmful practices, and know their rights as investors.

Amend the bill by replacing all after section 32 with the following:

33 Investor Education Fund; Secretary of State Detailed Budget Required. The secretary of state shall submit a detailed budget to the fiscal committee for approval prior to the encumbrance or expenditure of moneys in the investor education fund created by RSA 421-B:26, IV for the biennium ending June 30, 1995.

34 Secretary of State; Line Item Budget Required. The secretary of state shall submit a line item budget for expenditure of the moneys in the investor education fund created by RSA 421-B:26, IV for inclusion in the biennial budget process.

35 Effective Date.

I. Sections 19, 23, 24 and 29-34 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes technical corrections to RSA 421-B, the state securities laws. The bill establishes certain fees for securities registration.

The bill reinstates the charter of Union International Corporation.

Adopted.

Report adopted and ordered to third reading.

SB 740-FN, relative to employee leasing. OUGHT TO PASS

Rep. Charles W. Ferguson for Appropriations: The Appropriations Committee agreed with the Ways and Means appropriation of \$9,000, which is balanced by estimated revenue of \$9,000. Vote 15-0.

Rep. Kurk offered a floor amendment.

Floor Amendment (6511B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to employee leasing and requiring the department of safety to
keep drivers records confidential except for certain reasons
and making an appropriation therefor.

Amend the bill by replacing all after section 2 with the following:

3 Severability. If any provisions of sections 1 and 2 of this act, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of sections 1 and 2 of the act which can be given effect without the invalid provisions or applications and to this end the provisions of section 1 and 2 of this act are severable.

4 Availability of Records. Amend RSA 260:14 to read as follows:
260:14 Records and Certification.

I. A proper record of all applications, reports required by law, certificates and licenses issued or revoked shall be kept by the department at its office[, and such records shall be open to the inspection of any person.] Copies of such records, duly attested and certified by the director or his designee, shall be as competent evidence in any court within this state as the original record or document would be if produced by him as the legal custodian thereof.

[II.] A hearings examiner shall be considered a legal custodian of motor vehicle records for the purpose of testifying at a trial.

II. Notwithstanding RSA 91-A or any other law to the contrary, any records kept by the department of safety under the requirements of paragraph I shall be made available in response to a request from a state, a political subdivision of a state, a court, the federal government, or a law enforcement agency, for use in official business.

III.(a) Notwithstanding RSA 91-A or any other law to the contrary, any records, other than social security number or bodily image, kept by the department of safety under the requirements of paragraph I shall be made available only in response to a request from:

(1) An automobile insurance company or its authorized agent, for use in underwriting its automobile insurance business.

(2) Any person for research or statistical purposes, provided, however, that no record provided to such person shall contain any personal identification information, including but not limited to a name, street, address, driver's license number, social security number, telephone number, bodily image, or other information that would identify an individual.

(3) A manufacturer of motor vehicles or a person who performs recalls on behalf of a manufacturer as authorized by the federal government or as deemed necessary by such manufacturer to protect the public health, safety or welfare or to make a free correction of a manufacturing deficiency, for use related to such recalls.

(4) An individual, or any person with notarized authorization from an individual, for such individual's own records, for any use.

(5) Any person, for any individual's driver record report, provided that such driver record report shall contain no personal identification information other than the individual's name and driver's license number, for any use.

(6) An attorney licensed to practice in New Hampshire, for use in any pending or potential litigation involving a violation of a motor vehicle statute.

(7) A bank or other lending institution, for use in connection with a specific loan secured by an interest in a motor vehicle.

(8) A detective agency licensed under RSA 106-F, or employee of such agency for use in connection with a professional investigation involving a violation of a motor vehicle statute for which compensation is expected.

(9) Any person for any record, provided that the commissioner shall determine in each such case that disclosure of the record is necessary for the public health, safety or welfare. Any such decision shall be in writing and set forth the basis on which it was reached. A copy of the decision shall be mailed to the person whose record was requested.

(b) Such records shall be used only by the persons and for the purposes set forth in RSA 260:14, II and III(a) and shall not be made available by them to any other persons or used or made available for any other purposes.

(c) Any person requesting such records under RSA 260:14, III(a)(1), (2), (3), (6), (7), (8) or (9) shall file a sworn affidavit with the department at such times as the department may require stating the reason for obtaining the records and assuring that the records will be used only for the purposes listed and that the identities of individuals in the records will be protected against further disclosure.

(d) The state shall not be held responsible for any improper use of release of records to any person obtaining such records as provided in RSA 260:14, II and III(a).

IV. Nothing in this section shall prohibit the department from releasing to the public a list of only the names, towns and ages of individuals convicted within the last 3 months of driving while intoxicated under RSA 265:82 or RSA 265:82-a or being an habitual offender under RSA 259:39.

5 Effective Date.

I. Section 2 of this act shall take effect July 1, 1994.

II. RSA 277-B:3 as inserted by section 1 of the bill shall take effect upon its passage.

III. Section 4 of this act shall take effect 60 days after its passage.

IV. The remainder of this act shall take effect October 1, 1994.

AMENDED ANALYSIS

This bill makes an appropriation to the department of labor.

This bill also requires the department of safety to keep drivers' records, including licenses and registrations, confidential. This information would only be available to certain persons who needed the information to conduct their business, such as law enforcement personnel, insurance companies or state or federal agencies.

Reps. Kurk and Donna Sytek spoke in favor and yielded to questions.

Rep. Beverly Gage spoke against.

On a division vote, 224 members having voted in the affirmative and 79 in the negative, the floor amendment was adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 26, 1994 at 10:00 a.m..

Adopted.

LATE SESSION

Third reading and final passage

SB 670-FN, making technical corrections to the securities laws and relative to fees for securities registration.

SB 740-FN, relative to employee leasing.

SENATE MESSAGES

CONCURRENCE WITH AMENDMENT

SB 670, making technical corrections to the securities laws, relative to fees for securities registration, and reinstating the charter of the Union International Corporation.

**NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE**

SB 740, relative to employee leasing.

The President appointed Sens. John King, MacDonald and Shaheen.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Syracuse, Teschner and Kurk.

UNANIMOUS CONSENT

Rep. Dickinson addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of enrolling reports and appointing conferees only.

Adopted.

The House recessed at 5:20 p.m.

RECESS

CONFEREE CHANGES

HB 1193, amending the charter of St. Mary's Bank. Rep. Mercer replaced Rep. Drolet.

HB 1450-L, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills. Rep. Putnam replaced Rep. Patricia Cote.

HB 1572-FN, relative to the public employee labor relations board and filing fees and making an appropriation therefor. Rep. Turner replaced Rep. Hawkins.

SB 740, relative to employee leasing. Rep. Newland replaced Rep. Syracuse.

(Rep. Robert Foster in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1108, 1117, 1133, 1143, 1183, 1212, 1232, 1318, 1368, 1391, 1403, 1405, 1519, 1545 and 1553, and Senate Bills numbered 128, 501, 525, 585, 591, 594, 604, 612, 637, 658, 664, 669, 744, 759, .

Rep. Dunn, Sen. Currier for the Committee

(Rep. McGovern in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1112, 1118, 1119, 1186, 1203, 1495 and 1536 and Senate Bills numbered 552, 562, 653, 673, 677 and 719.

Rep. Dunn, Sen. Currier for the Committee

(Rep. Hilliard in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1213, 1214, and 1534 and Senate Bills numbered 733, 754 and 756.

Rep. Dunn for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 22

Thursday, May 26, 1994

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of all creation, Your inclination towards wonder and diversity is everywhere apparent in the beauty of our state and the strengths of her people. We thank You for the privilege of serving the citizens of New Hampshire and ask Your blessing upon every good work begun here. Fill us with Your peace that we may give ourselves fully to the tasks of this day, and inspire us with Your energy and vision so that we might welcome the days to come with hope and confidence. Amen.

Rep. Wall led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Joan Kane, Ruth Gage, Sullivan, Caswell, Vincent and Larson, the day, illness.

Reps. Dewhirst, Peters, Chabot, Lefebvre, Houlahan, Hashem, Aranda, Gilbreth, Haettenschwiller, Hess, Gagnon, David Flanders, Metzger, Morello, Borsa, O'Keefe, Blake, Charles Cote, Kincaid, Regan and Richards, the day, important business. Rep. Scanlan, the day, death in the family.

INTRODUCTION OF GUESTS

Janet Rose and Beverly Thibodeau, wife and guest of Rep. Rose. Tom McAndrews, guest of Rep. David Cote.

GUESTS ON THE ROSTRUM

Robert MacKin and Susan Nolin, Executive Director and Administrative Assistant of the National Council of Insurance Legislators and Sen. Leo Fraser, guests of Speaker Burns.

Education Commissioner Charles Marston, guest of Rep. Skinner.

Martin Gross and artist Mel Bolden, guests of the House.

SPECIAL GUESTS

Marion Lord, William Lord, Bonnie Laughlin, Thomas Lord and Harriet Gross, mother, father, cousins and mother-in-law of the late Rep. Caroline L. Gross, Majority Leader, guests of the House.

COMMUNICATION

May 23, 1994

Harold W. Burns, Speaker

As a result of my family's upcoming move to New Jersey, I am submitting to you my resignation from the New Hampshire House of Representatives to take effect on July 1, 1994. It is with regret that I do so because I have thoroughly enjoyed my time of service to the citizens of this great State of New Hampshire.

I would like to thank all of my fellow representatives for sharing their knowledge, enthusiasm, and friendship with me. In particular, I would like to thank Chairman Patricia Skinner and the other members of the House Education Committee who are among the best people I have ever known.

I am also thankful to you and your leadership team for giving me opportunities to serve in a number of ways. I am especially indebted to you for the opportunity you have given me to work with the Legislative Continuing Education Program. Not only have I learned a great deal from each of the presenters, but I have benefited from the support and friendship of the many staff members who have contributed to the success of this program. I would like to thank Lee Marden, and all of his staff, for all that they have done. Ann FitzGerald, whose outstanding abilities and enthusiasm have in large measure carried the program, deserves special recognition.

Thank you, again, for helping to make my six years in the legislature so rewarding for me. I will truly miss all of my wonderful friends. I wish you all much success as you continue to deal with the important issues which face our state.

Rep. Susan D. Carter, Merrimack 7

STAFF MEMBER OF THE YEAR

Our House staff member of the year is the Acting House Clerk, Leo Callahan.

Leo has been a member of the House staff since November 1984 when he began work as an Administrative Assistant to the House Clerk. In December 1986 he was elected Assistant House Clerk. Last March he was named Acting House Clerk following the death of Jim Chandler. Leo has done a wonderful job this session under very difficult circumstances and we appreciate his work.

ENROLLED BILL AMENDMENTS

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

Amendment (6654B)

Amend the bill by replacing section 4 with the following:

4 Reference to Party Columns Removed. Amend RSA 655:17-c, III to read as follows:

III. No party of which a person is not a member shall nominate that person as a candidate so that his name would appear on the state general election ballot [in more than one party column] *as candidate of more than one party*.

5 Contingency. If HB 449, "An Act relative to listing candidates on general election ballots," becomes law, section 4 of this act shall take effect at 12:01 a.m. 60 days after its passage. If HB 449 does not become law, section 4 of this act shall not take effect.

6 Effective Date.

I. Section 4 of this act shall take effect as provided in section 5 of this act.

II. Section 5 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

Reps. Warburton and Dickinson spoke against.

Rep. Gilmore spoke in favor and yielded to questions.

Rep. Fenton spoke in favor.

On a division vote, 170 members having voted in the affirmative and 99 in the negative, the amendment was adopted.

HB 660-FN, relative to drug forfeiture.

Amendment (6651B)

Amend section 5 of the bill by replacing lines 2-3 with the following:
section 17-e the following new section:

318-B:17-f Forfeiture Reports. The attorney general shall submit a

Amend section 5 of the bill by replacing line 13 with the following:

The attorney general has the authority to exclude any
Adopted.

HB 1209-FN, relative to administrative motor vehicle suspensions.

Amendment (6504B)

Amend the title of the bill by replacing it with the following:

An Act relative to administrative motor vehicle license suspensions.

Adopted.

HB 1228, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record.

Amendment (6658B)

Amend RSA 289:4 as inserted by section 2 of the bill by replacing line 9 with the following:
declared abandoned in accordance with RSA 289:19-21.

Adopted.

HB 1238-L, relative to time computation for purposes of statutory construction.

Amendment (6652B)

Amend RSA 652:18, I as inserted by section 2 of the bill by replacing line 2 with the following:

period or limit of time is to be reckoned from a day or date, [using the formula "at least" or "within,") that day or
Adopted.

HB 1313-FN, requiring the department of safety to issue an automotive recycling dealer with as many sets of number plates or as many as such person may require.

Amendment (6506B)

Amend the title of the bill by replacing it with the following:

An Act requiring the department of safety to issue an automotive recycling dealer as many sets of number plates as such person may require.

Amend RSA 261:124 as inserted by section 2 of the bill by replacing line 1 with the following:

261:124 Application. The applicant for [a motor vehicle junk] *an*

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 10:

8 Reference Change. Amend RSA 261:141, III(v) to read as follows:

(v) For motor vehicles owned by or under control of [motor vehicle junk] *automotive recycling dealer* licensee - \$30 up to first 7,000 lbs., over 7,000 lbs. - \$.74 per 100 lbs. gross weight.

9 Reference Change. Amend RSA 21-P:14, III(aa) to read as follows:

(aa) Registration by [motor vehicle junk] *automotive recycling* dealers, as authorized by RSA 261:123-134.

Adopted.

HB 1426, relative to the placement of candidates' names on the ballot.

Amendment (6660B)

Amend RSA 659:66 as inserted by section 7 of the bill by replacing line 3 with the following:

of a candidate for an office is erased or cancelled and

Amend section 10 of the bill by replacing line 5 with the following:
provisions of sections 1-3 and 5-9 of this act shall not take effect.

Amend section 11 of the bill by replacing line 1 with the following:

I. Sections 4 and 10 of this act shall take effect upon its passage.

Adopted.

SB 508-L, enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities.

Amendment (6650B)

Amend section 9 of the bill by replacing lines 1 and 2 with the following:

9 Approval of the Governing Body. Amend the section heading of RSA 162-G:8 and the introductory paragraph of RSA 162-G:8, I to read as follows:

162-G:8 Approval of [Legislative] *Governing* Body or Industrial Development Authority.
Adopted.

SB 538, establishing a state freshwater fish.

Amendment (6659B)

Amend section 1 of the bill by replacing lines 2-3 with the following:
section 19 the following new section:

3:20 State Freshwater Fish. The Brook trout, *Salvelinus fontinalis*, is
Adopted.

SB 760-FN-A-L, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees.

Amendment (6653B)

Amend RSA 21-J:24-a, V as inserted by section 1 of the bill by replacing line 4 with the following:
or printing of technical assistance documents of a non-binding nature by the
Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 279, 1100, 1153, 1216, 1262, 1290, 1300, 1320, 1323, 1335, 1372, 1379, 1433, 1458, 1469, 1472, 1507, 1518, 1523, 1539 and 1568, and Senate Bills numbered 144, 516, 517, 541, 548, 575, 603, 605, 674, 697, 711, 724, 752, 757, 767, 768, 771, 775, 787 and 788.

Rep. Dunn for the Committee

SENATE MESSAGE**REFUSED TO ADOPT COMMITTEE OF CONFERENCE REPORT
REQUESTED NEW COMMITTEE OF CONFERENCE**

HB 389, relative to the disclosure of certain historical information regarding property. The President appointed Sens. Currier, John King and Fraser.
Rep. Mercer moved that the House accede to the request for a new Committee of Conference. Adopted.
The Speaker appointed Reps. Mercer, Yennaco, Lindblade and Fuller Clark.

COMMITTEE OF CONFERENCE REPORT ON SB 149

The committee of conference to which was referred Senate Bill 149-FN, relative to land surveying by proprietorships, corporations or partnerships having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Individual, Sole Proprietor, Corporate or Partnership Surveying. Amend RSA 310-A:53 by inserting after paragraph III the following new paragraphs:

IV. The practice of or the offer to practice land surveying in this state by individual licensed land surveyors under a proprietorship form or by a corporation or partnership, a material part of the business which includes land surveying, is permitted provided certain personnel of such entity who shall act in its behalf are licensed land surveyors under the provisions of this chapter and provided such entity has been issued a certificate of authorization by the board as provided in this chapter. Any entity issued a certificate under this section shall be required to comply with all of the provisions of this chapter.

V. Each such entity shall file with the board of licensure a designation of an individual or individuals licensed to practice land surveying in this state who shall be in charge of land surveying by such entity in this state. The person designated shall be a full-time officer, partner, owner or full-time employee of that entity. Such entity shall notify the board of licensure of any change in the entity's designation within 30 days after such change becomes effective.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-13 to read as 6-14, respectively:

5 New Paragraph; Rulemaking; Fines. Amend RSA 310-A:58, VII and VIII to read as follows:

VII. Matters related to the proper administration of this chapter; [and]

VIII. Procedures for the conduct of hearings consistent with the requirements of due process; and

IX. The establishment of administrative fines which may be levied in the administration of this chapter.

Amend the bill by replacing section 6 with the following:

6 New Section; Application for Certificate of Authorization. Amend RSA 310-A by inserting after section 65 the following new section:

310-A:65-a Application for Certificate of Authorization. The board shall issue a certificate of authorization to any proprietorship, corporation or partnership in accordance with the following:

I. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any proprietorship under this subdivision, the proprietorship shall file with the board an application on a form provided by the board, which specifies:

(a) The name and address of the owner of the proprietorship.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the proprietorship.

(c) Any other information required by the board relevant to the practice of land surveying.

II. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any corporation under this subdivision, the corporation shall file with the board an application on a form provided by the board, which specifies:

(a) The names and addresses of all officers and board members of the corporation.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the corporation.

(c) Any other information required by the board relevant to the practice of land surveying.

III. As a requirement of the issuance of any certificate of authorization or renewal of any certificate to any partnership under this subdivision, the partnership shall file with the board an application on a form provided by the board, which specifies:

(a) The names and addresses of all general and limited partners.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the partnership.

(c) Any other information required by the board relevant to the practice of land surveying.

IV. Any change in any of the information reported to the board by a proprietorship, corporation or partnership under paragraphs I, II and III shall be reported to the board within 30 days of the change.

Amend RSA 310-A:69, II as inserted by section 7 of the bill by replacing it with the following:

II. The secretary of state shall not issue a certificate of incorporation to any applicant for incorporation or for registration as a foreign proprietorship, corporation or partnership which includes the words "surveyor" or "surveying" or any modification or derivative thereof in its corporate or business name, or which includes the practice of land surveying among the objects for which it is established, unless the board shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization under this subdivision, a copy of which shall have been presented to the secretary of state. The secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to proprietorships, partnerships, or corporations holding certificates of authorization issued under the provisions of this subdivision, a copy of which shall have been presented to the secretary of state.

Amend the bill by replacing all after section 8 with the following:

9 Exemptions; Surveyor in Training Substituted for Subordinate. Amend RSA 310-A:74, II to read as follows:

II. The work of an employee or a [subordinate of] *surveyor in training* for a person holding a license under this chapter, or an employee of a person practicing lawfully under paragraph 1, done under the direct responsibility, checking, and supervision of a person holding a license under this chapter or a person practicing lawfully under paragraph 1;

10 Effective Date. This act shall take effect 60 days after its passage.

Conferees: Sens. Currier, Dist 7; Bourque, Dist 20, Colantuono, Dist 14.

Conferees: Reps. Kathleen Ward, Graf 1; Dowd, Rock 13; Dyer, Hills 8; Groves, Rock 22. Rep. Boucher spoke against.

The report failed.

CONFERENCE COMMITTEE DISCHARGED, NEW CONFERENCE REQUESTED

Rep. Boucher moved that the House discharge the committee of conference on **SB 149**, relative to land surveying by proprietorships, corporations or partnerships, and request a new committee of conference.

Adopted.

The Speaker appointed Reps. Boucher, Dowd, Foss and Groves.

COMMITTEE OF CONFERENCE REPORT ON SB 225

The committee of conference to which was referred Senate Bill 225-FN, An Act relative to shoreland protection having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend section 22 of the bill by inserting after paragraph II the following new paragraph:

III. 1991, 303:8 as amended by 1992, 157:1, relative to the requirement that funding be approved before the shoreland protection act could take effect.

Amend the bill by replacing all after section 22 with the following:

23 Positions Established. There is hereby established in the department of environmental services, 2 environmentalist III positions to perform public education and compliance with the provisions of RSA 483-B. The commissioner of the department of environmental services shall consider the 2 positions for funding in the department's operating budget request to the governor for the biennium beginning July 1, 1995.

24 Appropriation. The sum of \$46,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of environmental services, \$41,000 of which shall fund one of the positions established in section 23 of this act and \$5,000 of which shall be for public education purposes. This appropriation is in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

25 Shoreland Protection Act Effective Date Changed. Amend 1991, 303:10, I to read as follows:

I. Sections 1, 2, and 5 of this act shall take effect [as provided in section 8 of this act] *July 1, 1994.*

26 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill:

I. Makes the shoreland protection act, RSA 483-B, take effect.

II. Clarifies, corrects references and eliminates duplication to reflect amendments enacted in 1992.

III. Defines "mean high tide" according to current usage by the wetlands board.

IV. Specifies where the use of fertilizers is prohibited.

V. Substitutes the term "reference line" for "public boundary line."

VI. Makes septic tank setback requirements consistent with existing subsurface sewage disposal rules.

VII. Establishes 2 environmentalist III positions at the department of environmental services and makes an appropriation to fund one of these positions and for public education purposes.

Conferees: Sens. McLane, Dist 15; Pignatelli, Dist 13; Russman, Dist 19.

Conferees: Reps. Conroy, Rock 13; Dickinson, Carr 2, Merritt, Straf 8; Schotanus, Sull 3.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 518

The committee of conference to which was referred Senate Bill 518, relative to life and health insurance policy language simplification having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Blaisdell, Dist 10; Hollingworth, Dist 23; McLane, Dist 15.

Conferees: Reps. Beverly Gage, Rock 26; Mercer, Hills 27; Hunt, Ches 10; Braiterman, Merr 3.
Adopted.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration of the Committee of Conference report on **SB 523**, establishing a committee to study patient access to information about health care providers and the quality assurance process, which contains a non-germane amendment.

Rep. Amidon spoke in favor.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON SB 523

The committee of conference to which was referred Senate Bill 523, establishing a committee to study patient access to information about health care providers and the quality assurance process having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Placards Available to Individuals and Nonprofit Agencies Serving Walking Disabled.

Amend RSA 261:88, V to read as follows:

V. Upon application, the department shall furnish a hanging windshield placard without charge to a person with a walking disability who satisfactorily furnishes proof of such disability to the director. *Any nonprofit agency serving a person with a walking disability may apply to the department for a hanging windshield placard. An applicant for such placard shall furnish the director with satisfactory proof, as the director may require, that the applicant will use the placard solely for the transportation of a person with a walking disability. The quantity of placards issued under this paragraph shall be at the discretion of the director.* This placard shall meet the standards set forth in 23 C.F.R. Part 1235, Appendix A. The removable windshield placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. [The] *A request from any nonprofit agency for a placard shall be approved by the administrator of the nonprofit agency and any other* application for such a placard shall be accompanied by the certification of a licensed physician that the applicant meets the definition set forth in paragraph I of persons with walking disabilities. The placard shall expire 3 years from the date of issuance, and the expiration date shall be noted on the placard. The placard shall be renewed, upon application on forms provided by the director, if the director determines that the disability which necessitated the issuance of the placard continues. Upon request of the applicant, the director shall issue one additional placard to the applicant if the applicant does not have special license plates.

5 Effective Date.

I. Section 4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study patient access to information about health care providers in relation to the quality assurance process.

This bill also allows nonprofit agencies serving disabled persons to apply for walking disability placards to be used when transporting a person with a walking disability.

Conferees: Sens. John King, Dist 18; Hollingworth, Dist 23; McLane, Dist 15.

Conferees: Reps. Amidon, Hills 9; Sargent, Hills 3; Morello, Hills 38; Katherine Wheeler, Straf 8.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 567

The committee of conference to which was referred Senate Bill 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping having considered the same, report the same with the following recommendations: having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Cohen, Lovejoy, Dist 6; Pignatelli, Dist 13.

Conferees: Reps. Drake, Rock 24; Lachut, Hills 2; McGuirk, Ches 1; Linda Smith, Belk 5. Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 580

The committee of conference to which was referred Senate Bill 580-FN, establishing a committee to study future directions for New Hampshire child care licensing policies having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Purpose; Membership. A committee is established to study future directions for New Hampshire child care licensing policies. The committee shall consist of the following members:

- I. Two members of the senate, appointed by the senate president.
- II. Two members of the house of representatives, appointed by the speaker of the house.
- III. Two representatives from the department of health and human services, appointed by the commissioner.
- IV. The chairperson of the New Hampshire child care advisory committee, or designee.
- V. The New Hampshire coordinator for school-age child care, or designee.
- VI. The chief of community recreation, New Hampshire division of parks and recreation, or designee.
- VII. The executive secretary of the New Hampshire Boys and Girls Clubs Area Council, or designee.
- VIII. The president of the New Hampshire Parks and Recreation Association, or designee.
- IX. A postsecondary professor of early childhood education, appointed by the executive director of the postsecondary education commission.
- X. A parent whose child is presently involved in child care services or related programs, appointed by the governor.
- XI. A representative of the YMCA, appointed by the chairperson of the Executive Cabinet of the Granite State Cluster of YMCAs.
- XII. A representative of the New Hampshire Child Care Association, appointed by the association.
- XIII. A representative of the New Hampshire Municipal Association, appointed by the association.
- XIV. A representative of the New Hampshire Association for the education of Young Children, appointed by the association.

2 Duties; Report. The committee shall:

- I. Study the issue of exemptions from child care licensing regulations.
- II. Study the variety of child care programs presently operating in New Hampshire and make recommendations for classifying these programs for regulatory purposes.
- III. Provide recommendations for appropriate legislation relating to child care licensing regulation.
- IV. Issue a report including recommendations for appropriate legislation. The report shall be submitted to the governor, the president of the senate, the speaker of the house, and the state board of education no later than November 1, 1994.

3 Meetings; Chairperson.

I. The first-named member of the house shall call the first meeting within 30 days of the effective date of this act.

II. A chairperson shall be elected by the members of the committee.

III. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study future directions for state child care licensing policies and regulations.

Conferees: Sens. J. King, Dist 8; McLane, Dist 15; Baldizar, Dist 11.

Conferees: Reps. Holden, Hills 14; Arndt, Rock 27; Wadsworth, Graf 14; Lionel Johnson, Hills 40.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 589

The committee of conference to which was referred Senate Bill 589, relative to the powers of fiduciaries in environmental matters having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Fraser, Dist 4; Russman, Dist 19; Lamirande, Dist 1.

Conferees: Reps. Hart, Hills 37, Mittelman, Hills 37; Newman, Rock 4; Lockwood, Merr 9.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 592

The committee of conference to which was referred Senate Bill 592, relative to the display of expired motor vehicle plates having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

2 Expired Motor Vehicle Plates. Amend RSA 261:77 to read as follows:

261:77 Use of Plates. Except as provided for nonresidents, no number plates other than those procured from the department or authorized by the director shall be displayed on any vehicle so operated. *No expired number plates shall be displayed. This prohibition on the display of expired number plates shall not supersede the provisions of RSA 261:89-a, nor shall it apply in those cases in which expired number plates are displayed in conjunction with current and authorized plates issued by the director which contain the designation "antique".* During the month of expiration, the owner of a duly registered vehicle which has been properly registered for the succeeding year may display the number plates for that year in place of those of the current year. The provisions of this section shall also apply to a vehicle which has been exchanged for a vehicle properly registered.

3 Application. Notwithstanding any provision of RSA 651:5 to the contrary, a person who has been convicted of a violation of RSA 266:9, prior to the amendment of that section as provided in section 1 of this act, for having a truck bumper in excess of 20 inches but less than 30 inches in height, may apply at any time to the sentencing court for an annulment of the conviction, and shall not be required to pay the cost of the investigation required under RSA 651:5, V.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill corrects a typographical error in RSA 266:9 by changing the word "truck" to "trunk". The bill's application section allows persons who were convicted under RSA 266:9, prior to its amendment correcting the error, to apply for an annulment of the conviction.

The bill also prohibits the display of expired number plates, while making an exception for antique motor car plates.

Conferees: Sens. MacDonald, Dist 3; Bourque, Dist 20; Roberge, Dist 9.

Conferees: Reps. Jasper, Hills 23; Malcolm, Rock 22; Regan, Merr 12; Raynowska, Rock 26.
Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 618

The committee of conference to which was referred Senate Bill 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation" having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Podles, Dist 16; John King, Dist 18; Baldizar, Dist 11.

Conferees: Reps. Hager, Merr 18; Woods, Rock 25; Holden, Hills 14; Irene Pratt, Ches 5.
Adopted.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration of the Committee of Conference report on **SB 638**, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections, which contains a non-germane amendment.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON SB 638

The committee of conference to which was referred Senate Bill 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

5 Supplemental Appropriation; Department of Corrections. In addition to any other sums appropriated to the department of corrections, the sum of \$683,283 is hereby appropriated for the fiscal year ending June 30, 1994, for the purpose of replacing equipment and inventory destroyed as a result of the January 25, 1994, fire at the New Hampshire state prison warehouse. The governor is authorized to draw a warrant for said sum out any money in the treasury not otherwise appropriated.

6 Fireman's Retirement Benefits Restored. The provisions of this section shall apply to a former permanent fireman who joined the retirement system in December of 1969 and began receiving ordinary disability retirement benefits on June 1, 1987. Notwithstanding any other provision of the law to the contrary, the retirement system shall restore the former permanent fireman's group II benefits, as if he had never been a group I member, and, from the appropriate funds the system shall pay to the former permanent fireman, with interest, the money which he would have received had his group II benefits not been interrupted, and, with interest, return to the member his Group I accumulated contributions.

7 Effective Date.

I. Sections 5 and 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill changes the salary ranges of the director of adult services/warden, and the commissioner of the department of corrections.

This bill makes a supplemental appropriation to the department of corrections to replace equipment and inventory lost in a fire.

This bill also restores retirement benefits to a certain former permanent fireman.

Conferees: Sens. Blaisdell, Dist 10; Hollingworth, Dist 23; Currier, Dist 7.

Conferees: Reps. Franklin Torr, Straf 12; Robert Wheeler, Hills 7; Klemm, Rock 28; David Cote, Hills 29.

The report failed.

CONFERENCE COMMITTEE DISCHARGED, NEW CONFERENCE REQUESTED

Rep. Franklin Torr moved that the House discharge the committee of conference on **SB 638**, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections, and request a new committee of conference.

Adopted.

The Speaker appointed Reps. Franklin Torr, Robert Wheeler, Klemm and David Cote.

COMMITTEE OF CONFERENCE REPORT ON SB 644

The committee of conference to which was referred Senate Bill 644-FN-A, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101 having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Shaheen, Dist 21; Cohen, Dist 24; MacDonald, Dist 3.

Conferees: Reps. Gene Chandler, Carr 1; John Chandler, Merr 1; Katherine Rogers, Merr 22; Schotanus, Sull 3.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 650

The committee of conference to which was referred Senate Bill 650-FN-A, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

7 Consultant Added. Amend RSA 162-F:17, III to read as follows:

III. After the requirements for the funds have been established, the committees shall meet at least once a year and, for good cause, the committees may increase or decrease the amount of the funds pursuant to RSA 162-F:22, I, or may alter the funding schedules because of changed circumstances delineated in RSA 162-F:22, II. Each committee *and the office of the attorney general* may hire such temporary help, *including consultants*, as [it deems] *they deem* necessary to carry out [its] *their* duties under this subdivision. The appointed resident member of each committee is authorized \$40 for each day actually engaged in the duties of the committee.

8 Expenses of the Committee. Amend RSA 162-F:18 to read as follows:

162-F:18 Expenses of Committee. The reasonable expenses of each committee, *and the office of the attorney general* including *the services of a consultant*, and clerical and technical assistance, shall after approval by the public utilities commission be a charge against the owner or owners of the facility.

9 Applicability. The provisions of sections 6-8 of this act shall apply to all current, pending and future proceedings.

10 New Sections; Lead Abatement Loans. Amend RSA 204-C by inserting after section 57 the following new sections:

204-C:57-a Lead Abatement Loans. Notwithstanding the provisions of RSA 204-C:57, the authority may make loans under the affordable housing fund to for-profit and nonprofit property owners for lead abatement purposes. Such loan shall support lead abatement in properties which meet the following criteria:

I. Properties which are subject to abatement orders issued under RSA 130-A:7, II.

II. Properties in which children, as defined in RSA 130-A:1, I, reside.

III. Properties for which application has been made and assistance denied from other sources.

IV. Properties which provide affordable units to persons of low and moderate income as defined in RSA 204-C:56, IV and V.

204-C:57-b Funding for Lead Abatement Loans. The authority may allocate up to 1/2 of the fees paid to the authority from the development of qualified residential rental projects financed by bonds issued under Section 142(d) of the Internal Revenue Code of 1986, as amended, to support loans made pursuant to RSA 204-C:57-a. The authority may use up to 10 percent of any fee income allocated for lead abatement loans to cover the administrative expenses associated with such loans.

11 Rulemaking Added; Administrative Procedure Act Requirement Deleted. Amend RSA 204-C:62 to read as follows:

204-C:62 Rulemaking. [Notwithstanding] *Pursuant* RSA 204-C:53, the authority shall adopt rules [under RSA 541-A] governing the affordable housing fund. Such rules shall include, but shall not be limited to:

I. Eligibility requirements for applicants.

II. Criteria for eligible projects, including, but not limited to, construction and quality standards.

III. Procedures for monitoring the implementation and management of projects.

IV. Reasonable fees to offset the cost of monitoring the operation of projects funded under this subdivision.

V. Requirements for long-term affordability of housing units in projects financed under this subdivision. Such requirements shall ensure that, at a minimum, at least 50 percent of the units in a project shall remain affordable to low and moderate income persons for the period of any loan or 20 years, whichever is longer, *provided that the authority may establish different long-term affordability requirements for loans made under RSA 204-C:57-a.*

VI. Requirements regarding rents and fees which may be charged for housing units funded under this subdivision.

VII. Restrictions on the ability of loan recipients to convert housing units constructed under this subdivision to uses other than those permitted by this subdivision and provisions for financial penalties and equity sharing if such conversion occurs.

VIII. Requirements regarding eligibility for loans under RSA 204-C:57-a and the terms of such loans.

[VIII.]IX. Any other matter necessary for the administration of this subdivision.

12 Certain Rulemaking Deleted. Amend RSA 204-C:62, V to read as follows:

V. Requirements for long-term affordability of housing units in projects financed under this subdivision. Such requirements shall ensure that, at a minimum, at least 50 percent of the units in a project shall remain affordable to low and moderate income persons for the period of any loan or 20 years, whichever is longer[, provided that the authority may establish different long-term affordability requirements for loans made under RSA 204-C:57-a].

13 Repeal. The following are repealed:

I. RSA 204-C:57-a and 204-C:57-b, relative to lead abatement loans.

II. RSA 204-C:62, VIII, relative to loan requirements.

14 Effective Date.

I. Sections 12 and 13 of this act shall take effect July 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study and identify funding sources for assisting property owners in complying with orders for lead base paint abatement.

The bill allows the speaker of the house and the senate president to appoint designees from the legislative fiscal committee to serve on nuclear decommissioning financing committees.

The bill allows the nuclear decommissioning financing committees to utilize the services of consultants. The cost of a consultant shall be part of the expenses of the committee and the office of the attorney general and shall be a charge against the owner or owners of the facility.

The bill also allows the housing finance authority to make loans to eligible persons for lead abatement loans.

Conferees: Sens. Shaheen, Dist 21; John King, Dist 18; Lovejoy, Dist 6.

Conferees: Reps. Franklin Torr, Straf 12; Robert Johnson, Rock 1; Klemm, Rock 28; Wallner, Merr 24.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 667

The committee of conference to which was referred Senate Bill 667-FN, relative to guardians ad litem appointed in child protection cases having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 169-C:10-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The CASA guardian ad litem shall have the same authority and access to information as any other guardian ad litem.

Conferees: Sens. Podles, Dist. 16; Hollingworth, Dist 23; Baldizar, Dist 12.

Conferees: Reps. Battles, Rock 18; Woods, Rock 25; DePecol, Ches 14; Robert Johnson, Rock 1.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 671

The committee of conference to which was referred Senate Bill 671-FN-A, negating the repeal of tax credits against the business profits tax and the investment tax credit having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Investment Tax Credit. Amend RSA 162-L:8, III to read as follows:

III.(a) The credit provided by this section shall apply to contributions made *or pledged* to the authority on or before June 30, [1996] 1994. *Such credit shall be available to contributors on or after contributions for which credit is to be taken are actually received by the authority.*

(b) All contributions must be received within 5 years after the pledge is made to be eligible for credit.

(c) Contributions received by the authority as a result of pledges made on or before June 30, 1994, for which credit is to be taken shall not exceed \$2,000,000 in any state fiscal year ending after June 30, 1994. Pledged contributions received by the authority in excess of \$2,000,000 in any state fiscal year ending after June 30, 1994, shall not be eligible for credit in such year but may be carried forward to the next succeeding fiscal year or years and shall be given priority in determining the total contributions eligible for credit in such year; provided that such excess pledged contributions shall not be carried forward after June 30, 1999. The total amount of contributions received under this paragraph which shall be eligible for credit during the 5 year period shall not exceed \$10,000,000.

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 3 of this act shall take effect upon its passage and shall apply retroactively to returns and taxes due on or after July 1, 1993.

II. The remainder of this act shall take effect upon its passage.

Conferees: Sens. McLane, Dist 15; Blaisdell, Dist 10; Hough, Dist 5.

Conferees: Reps. Cowenhoven, Hills 14; Nichols, Merr 2; Jasper, Hills 23; Pageotte, Straf 14.

Adopted.

Rep. Teschner declared a conflict of interest and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 672

The committee of conference to which was referred Senate Bill 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of RSA 363:32, I(a) as inserted by section 1 of the bill by replacing it with the following:

363:32 Designation of Employees.

I.(a) Whenever the commission conducts an adjudicative proceeding in accordance with the provisions of RSA 541-A:16 through RSA 541-A:20, the commission shall designate members of its staff as staff advocates and decisional employees, if requested by a party with full rights of participation in the proceeding, when:

Conferees: Sens. Roberge, Dist 9; Fraser, Dist 4; Bourque, Dist 20.

Conferees: Reps. Rodeschin, Sull 4; McRae, Hills 7; Gilmore, Straf 11; Peters, Hills 8.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 688

The committee of conference to which was referred Senate Bill 688-L, relative to redemption of property subject to tax liens for the elderly and disabled having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Currier, Dist 7; Bourque, Dist 20; John King, Dist 18.

Conferees: Reps. Perry, Chest 11; Fesh, Rock 13; Noyes, Rock 26; Paula Bradley, Coos 6.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 701

The committee of conference to which was referred Senate Bill 701-FN-A-L, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4, respectively.

Conferees: Sens. Wayne, King, Dist 2; Fraser, Dist 4; Colantuono, Dist 14.

Conferees: Reps. Gene Chandler, Carr 1, McCarty, Hills 38; Keans, Straf 16; Katherine Rogers, Merr 22.

Adopted.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration of the Committee of Conference report on **SB 709**, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan, which contains a non-germane amendment.

Rep. Amidon spoke in favor and yielded to questions.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON SB 709

The committee of conference to which was referred Senate Bill 709-FN, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10:

8 New Paragraph; Administration of Medications by Hospice House Staff Members. Amend RSA 326-B:17 by inserting after paragraph VIII the following new paragraph:

IX.(a) The administration of medications by any person employed or under contract to provide direct care to residents of a hospice house as defined in RSA 151-C:2, XIX-b and licensed under RSA 151 and rules adopted under that chapter as a hospice house under the supported residential care level of care by the New Hampshire department of public health services who:

(1) Is an employee of, or under contract with, a hospice house duly licensed by the division of public health services; and

(2) Has successfully completed a medication administration program approved by the board of nursing and conducted by a registered nurse licensed under this chapter. The board of nursing shall adopt rules, pursuant to RSA 541-A, relative to the criteria for the medication administration program and the process of approval for a registered nurse to conduct the program.

(b) The authorization granted by subparagraph (a) shall be limited to the administration of medications:

(1) When authorized by a registered nurse who has conducted an assessment of the resident and evaluated the medication order and medications prescribed for the resident;

(2) By a route other than injection, except for subcutaneous injections when the person administering the medication and the resident receiving the medication have been authorized by a registered nurse; and

(3) To residents of a hospice house to which the person administering the medication is regularly assigned.

AMENDED ANALYSIS

This bill:

(1) Makes changes mandated by the 1993 Omnibus Budget Reconciliation Act.

(2) Repeals the statute relative to medical assistance for pregnant women and infants which is now covered by the children's health plan.

(3) Changes the date on which medical child support orders must begin to include provisions concerning wage assignment.

(4) Authorizes the director of the division of public health services, department of health and human services to appoint 4 physicians, with the consent of the commissioner.

(5) Authorizes certain hospice house staff members to administer medications under certain circumstances.

Conferees: Sens. John King, Dist 18; McLane, Dist 15; Baldizar, Dist 12.

Conferees: Reps. Amidon, Hills 9; Franklin Torr, Strafford 12; Robert Wheeler, Hills 7; Haettenschwiler, Hills 29.

Adopted.

CONFERENCE COMMITTEE DISCHARGED, NEW CONFERENCE REQUESTED

Rep. Jeb Bradley moved that the House discharge the committee of conference on SB 716, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil, and request a new committee of conference.

Adopted.

The Speaker appointed Reps. Jeb Bradley, Philbrick, Wasson and Amanda Merrill.

COMMITTEE OF CONFERENCE REPORT ON SB 740

The committee of conference to which was referred Senate Bill 740-FN, relative to employee leasing having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Severability. If any provisions of this act, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 1994.

II. RSA 277-B:3 as inserted by section 1 of the bill shall take effect upon its passage.

III. The remainder of this act shall take effect October 1, 1994.

AMENDED ANALYSIS

This bill requires the licensing of employee leasing companies and also establishes standards for operation and regulation of such companies. An application fee is established.

This bill also makes an appropriation to the department of labor.

Conferees: Sens. John King, Dist 18; MacDonald, Dist 3; Shaheen, Dist 21.

Conferees: Reps. Bonnie Packard, Hills 19; Newland, Merr 15; Teschner, Graf 5; Kurk, Hills 5.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 747

The committee of conference to which was referred Senate Bill 747-FN, relative to lease-purchase agreements having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Rent-To-Own Agreement Not a Security Interest. Amend the introductory paragraph of RSA 382-A:1-201(37) to read as follows:

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts or chattel paper which is subject to Article 9. The special property interest of a buyer of goods on identification of those goods to a contract for sale under Section 2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a consignment is intended as security, reservation of title thereunder is not a "security interest", but a consignment in any event is subject to the provisions on consignment sales (Section 2-326). *A rent-to-own agreement, defined in RSA 358-O:2, V, shall not create or be construed as a "security interest."* Whether a transaction creates a lease or security interest is determined by the facts of each case; however, a transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease not subject to termination by the lessee, and

Conferees: Sens. Fraser, Dist 4; Baldizar, Dist 12; Lamirande, Dist 1.

Conferees: Reps. Hunt, Ches 10; Hill, Graf 1; Mercer, Hills 27; Newland, Merr 15.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 758

The committee of conference to which was referred Senate Bill 758-FN, relative to a civil filing fee surcharge for civil legal assistance to low-income persons having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 490:26-g as inserted by section 1 of the bill by replacing it with the following:

490:26-g Additional Fees in Civil Actions. In addition to the entry fees established by the supreme court pursuant to RSA 490:26-a, an entry fee surcharge of \$5 shall be collected by the clerk of court in all civil actions filed in the municipal, district, superior, and probate courts. The amounts so collected shall be paid by the clerk of court to the state treasurer and credited to a special account in the state treasury. This account shall be nonlapsing. The judicial council shall remit such funds quarterly to New Hampshire Legal Assistance, and such funds are hereby continually appropriated. New Hampshire Legal Assistance shall use any funds received pursuant to this section for the provision of civil legal representation to low-income persons in the state. New Hampshire Legal Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its use of funds received under this section.

Amend the bill by inserting after section 1 the following new section and renumbering the original section 2 to read as 3:

2 New Subparagraph; Special Account. Amend RSA 6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) Moneys received under RSA 490:26-g, which shall be credited to the special account for New Hampshire Legal Assistance's civil legal representation of low-income persons.

Conferees: Sens. McLane, Dist 15; Hollingworth, Dist 23; Baldizar, Dist 12.

Conferees: Reps. Lockwood, Merr 9; Newman, Rock 4; Robert Wheeler, Hills 7; Franklin Torr, Straf 12.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 761

The committee of conference to which was referred Senate Bill 761-A, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court hereby declares that the purpose of this act is to improve the economy of the state, that rail service is indispensable to certain areas of the state, there is a need to provide and maintain efficient and viable rail lines of New Hampshire class III railroads, there is a need to keep rail lines of class III railroads in the private sector by utilizing qualified short line operators, and that there is a need to provide for limited state support funds for local rail assistance to maintain the rail lines of short line railroads.

2 Class III Railroad Capital Rail Line Rehabilitation Revolving Loan Fund. Notwithstanding any provision of law, there is hereby established the class III railroad capital rail line rehabilitation revolving loan fund. This fund shall be spent on rehabilitating the rail lines of class III railroads that are included in the New Hampshire state rail plan as updated and which meet the requirements of the benefit/cost analysis as prepared by the department of transportation, bureau of railroads and public transportation. Loans provided to operators of class III railroads for rehabilitating the rail lines shall be approved by governor and council.

3 Appropriation. The sum of \$2,500,000 is hereby appropriated, in addition to any other sums appropriated, to the department of transportation, bureau of railroads and public transportation to be deposited in the class III railroad capital rehabilitation revolving loan fund for the fiscal year ending June 30, 1995, for the purpose of rehabilitating the rail lines of class III railroads. This appropriation shall be nonlapsing and continuing and shall be subject to RSA 228:66, III and IV.

4 Bonds Authorized. To provide for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding \$2,500,000 for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

5 Loans. The operator of the class III railroad provided a loan under this act shall be required to furnish assurance by signed agreement with the state to continue utilization of the

line involved on an annual basis at a tonnage level of at least 80 percent of their annual tonnage average over the 3 years preceding the agreement, provided that enforcement of such assurance shall be preceded by a finding by the commissioner that any shipping rate increases during such period are reasonable.

6 Repayment of Loans. The operator of the class III railroad shall repay any loan made pursuant to section 2 of this act upon such terms and conditions as are recommended by the department of transportation, bureau of railroads and public transportation. The term of the loan shall be no less than 5 years and no longer than 20 years, and shall to the extent possible consistent with this section be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the operator of the class III railroad and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds authorized by section 4 of this act used to fund the loan.

7 Lien Securing Loan. A lien on the improved property shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the operator of the class III railroad. The lien shall be recorded in the registry of deeds of the county or counties in which the improved property is situated and shall not supercede any lien created by a mortgage affecting such property. The lien shall only expire when the loan has been repaid.

8 Deleting Appropriation for the Portsmouth-Massachusetts State Line Branch Line. Amend 1985, 350:1-3 to read as follows:

350:1 Rehabilitation of Certain Branch Lines. The railroad division of the department of public works and highways is hereby authorized to rebuild, modernize and maintain the [Portsmouth-Massachusetts state line.] Rollinsford-Rochester, Rochester-Ossipee, Nashua-Bennington, and Claremont-Concord railroad branch lines. The general court recognizes that the continuation of these branch lines depends upon their rebuilding, modernization and maintenance.

350:2 Appropriation. There is hereby appropriated to the railroad division of the department of public works and highways for the purposes of section one of this act the sum of [\$2,515,000] **\$2,055,000** to be used for the purposes of rebuilding, modernization and maintenance of the [Portsmouth-Massachusetts state line.] Rollinsford-Rochester, Rochester-Ossipee, Nashua-Bennington, and Claremont-Concord branch lines. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

350:3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$2,515,000] **\$2,055,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds shall be made from the general funds of the state.

9 Repeal. 1985, 350:4, I, relative to an appropriation made for the Portsmouth-Massachusetts state line branch line, is repealed.

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill appropriates funds to the department of transportation, bureau of railroads and public transportation, to make loans to rehabilitate the rail lines of class III railroads.

The bill repeals an appropriation for rehabilitation of the Portsmouth-Massachusetts state line branch line.

Conferees: Sens. MacDonald, Dist 3; Shaheen, Dist 21; Lamirande, Dist 1.

Conferees: Reps. Gene Chandler, Carr 1; Pfaff, Merr 11; Katherine Rogers, Merr 22; Schotanus, Sull 3.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 763

The committee of conference to which was referred Senate Bill 763, establishing an executive board for community service having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 2 and 3 with the following:

2 New Chapter; New Hampshire Executive Board for National and Community Service Established. Amend RSA by inserting after RSA 19-E the following new chapter:

CHAPTER 19-F

NEW HAMPSHIRE EXECUTIVE BOARD FOR NATIONAL AND COMMUNITY SERVICE

19-F:1 New Hampshire Executive Board for National and Community Service Established; Membership.

I. There is hereby created a New Hampshire executive board for national and community service, hereinafter called the board. The board shall be comprised of a diverse group of New Hampshire citizens, adhering to the guidelines in the National and Community Service Trust Act. The board shall be bipartisan, and consist of at least 15 but not more than 25 individuals reflecting the department of education, senior citizen, national service programs, environmental, local government, community service, labor, education, business, and youth groups.

II. Voting status shall be limited to members who represent these backgrounds.

III. The governor shall appoint all members. The first 10 members appointed shall serve a term of 2 years. The remaining members appointed shall serve a term of 3 years. Thereafter, all members shall serve terms of 3 years.

IV. The New Hampshire Job Training Council shall recommend appropriate board members to the governor.

V. All applicants to the board shall be considered regardless of race, ethnicity, gender, age, disability, or political affiliation.

VI. The governor shall appoint ex officio members to ensure input into the drafting of state priorities for awarding local program grants.

19-F:2 Duties. The board shall:

I. Actively participate in developing a 3-year service plan. The board shall receive planning input from the interested public and from community service providers.

II. Translate popularly expressed priorities into programming objectives when developing a request for proposals to solicit applications from political subdivisions. The request for proposals shall be developed to elicit quality proposals from across the state, asking applicants to propose measurable, meaningful objectives for their programs.

III. Apply for AmeriCorps program funds for both the population-based formula funds and the competitive funds in response to the proposals solicited by the request for proposals. Procedures for reviewing proposals and preselecting political subdivision programs shall be open and competitive.

IV. Provide technical assistance to applicants for AmeriCorps funds.

V. Coordinate and collaborate with other service providers throughout the state.

19-F:3 Administration. The New Hampshire Job Training Council shall provide support and administrative staff for the board.

3 Prospective Repeal. RSA 19-F relative to the New Hampshire executive board for national and community service, is repealed.

AMENDED ANALYSIS

This bill establishes a New Hampshire executive board for national and community service. The board may apply to receive funds for community-based AmeriCorps programs and shall provide technical assistance and information to applicants for AmeriCorps funds. The board shall also help develop a 3-year service plan.

Conferees: Sens. Shaheen, Dist 21; John King, Dist 18; Roberge, Dist 9.

Conferees: Reps. Kathleen Ward, Graf 1; Ann Torr, Straf 12; Gosselin, Hills 45; Kidder, Merr 2.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 772

The committee of conference to which was referred Senate Bill 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 11 with the following:

12 Appropriations.

I. The sum of \$52,305 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of corrections for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The director of the division of mental health and developmental services shall submit a report by October 1, 1994 to the fiscal committee outlining a plan for expenditures to comply with RSA 171-B:12, I and II. At such time, funds required to comply with this act are hereby appropriated, subject to prior approval of the fiscal committee and the governor and council. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

13 Applicability. The provisions of this act shall apply to acts leading to a felony charge which occur on or after the effective date of this act.

14 Effective Date. This act shall take effect January 1, 1995.

Conferees: Sens. John King, Dist 18; McLane, Dist 15; Blaisdell, Dist 10.

Conferees: Reps. Donna Sytek, Rock 26; Franklin Torr, Straf 12; Lozeau, Hills 30; Knowles, Straf 11.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 791

The committee of conference to which was referred Senate Bill 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Membership. There is established a committee to study the issue of establishing health care provider cooperative agreements in New Hampshire. The members of the committee shall be as follows:

I. Three members of the house of representatives, appointed by the speaker of the house.

II. Three members of the senate, appointed by the president of the senate.

2 Duties. The committee shall study the issue of establishing health care provider cooperative agreements in New Hampshire. The committee's study shall include, but not be limited to, the following:

I. The Maine Hospital Cooperation Act of 1992.

II. The New Hampshire and federal antitrust laws.

III. Barriers that may exist among health care providers in New Hampshire.

IV. Initiatives that the Federal Trade Commission issued in September, 1993.

V. Any other relevant information.

3 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named house member within 30 days of the effective date of this section. The members of the committee shall receive mileage at the legislative rate when attending to their duties on the committee.

4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the speaker of the house, the president of the senate, and the governor on or before November 1, 1994.

5 Health Care Transition Fund Allocation.

I. The following sums are appropriated as indicated for the fiscal year ending June 30, 1995, and shall be charged against the health care transition fund:

(a) The sum of \$705,000 is appropriated to the office of the commissioner, department of health and human services for the purpose of establishing the office of health planning to develop, under a process established by the legislature, a state health plan as defined in RSA 126-A:105, to develop policy options for the department and its divisions, and to coordinate data collection functions of all agencies involved in health care reform activities.

(b) The sum of \$750,000 is appropriated to the office of alcohol and drug abuse prevention for the following:

(1) To expand halfway houses and residential programs for adults, adolescents and women and children.

(2) To establish crisis intervention and social detoxification services in areas currently unserved.

(3) To support medical heroin detoxification and related residential services.

(4) To support comprehensive programs for persons with mental illnesses and substance abuse problems.

(c) The sum of \$1,335,000 is appropriated to the division of public health services for the following purposes:

(1) To develop health clinics to provide primary preventive health services for low-income and underserved populations.

(2) To establish a statewide network of family support services of families of children with chronic illness.

(3) To recruit primary care physicians, nurse practitioners, and physician assistants, support them in serving rural areas and areas of high primary care needs, and establish linkages to facilitate academic training and consultations.

(4) To provide technical assistance to communities, health care agencies, and primary care providers developing comprehensive care services.

(d) The sum of \$1,387,500 is appropriated to the division of mental health and developmental services for the following purposes:

(1) To develop and maintain services to meet the mental health needs of children and families which shall include family-centered individual support services necessary to improve the mental health status of children who have or who are at risk of having serious emotional disorders.

(2) To prepare for and respond to state and federal health care reform initiatives including the design and development of information systems required for service planning, cost allocation, and monitoring services utilization.

(3) To prepare and submit for approval a waiver to federal Medicaid regulations under section 1115 of Title XIX of the Social Security Act for the development of a range of community-based services for adults and children with serious mental illnesses to include the integration of components of New Hampshire hospital with the community mental health system.

II. The sum of \$1,951,000 is appropriated for the fiscal year ending June 30, 1996, to the office of the commissioner, department of health and human services for the purpose of establishing a subsidized insurance program providing affordable comprehensive coverage for low-income workers employed in small businesses. This appropriation shall be a charge against the health care transition fund.

III. The appropriations made in paragraphs I and II shall be established in separate accounts and shall not be transferred or used for any other purpose. Unexpended balances shall lapse to the health care transition fund.

6 Positions Authorized. The agencies receiving appropriations under section 5 of this act are authorized to establish such positions as are necessary to carry out the provisions of this act subject to approval of the fiscal committee and governor and council. Funds to support salaries, benefits and related expenses for these positions shall be a charge against the health care transition fund.

7 New Subdivision; New Hampshire Health Care Reform Coordinating Committee. Amend RSA 126-A by inserting after section 102 the following new subdivision:

New Hampshire Health Care Reform Coordinating Committee

126-A:103 New Hampshire Health Care Reform Coordinating Committee.

I.(a) There is hereby created a New Hampshire health care reform coordinating committee. The committee shall consist of 17 members as follows:

(1) The commissioner of health and human services.

(2) The insurance commissioner.

(3) One representative, appointed by the speaker of the house.

(4) One senator, appointed by the president of the senate.

(5) Three health care providers, including one person with professional experience as a primary care practitioner and graduate training and experience in health planning or public health policy, one person with significant knowledge and experience in the area of hospital administration and health care financing and cost containment, and one person with significant knowledge and experience in the area of long-term care, including in-home care.

(6) Two health care purchasers who are owners or chief executive officers of businesses in this state, including one person who heads a business with more than 250 employees working in the state and one person who heads a business in the state with fewer than 50 employees.

(7) Three health care consumers. At least one of the consumer members shall have significant knowledge of social service delivery systems and the needs of the medically underserved.

(8) The attorney general, as an ex officio member.

(9) The governor, or designee.

(10) A person involved in medical education.

(11) A representative of the healthy kids corporation, appointed by the healthy kids corporation board.

(12) A representative of the insurance industry.

(b) The consumer and business members shall be without any present or past professional affiliation with, financial interest in, or employment by any segment of the health care industry.

II. The member involved in medical education, the member representing the insurance industry, and the provider, purchaser and consumer members of the committee shall be appointed by the governor and council.

III. The members appointed by the governor shall be appointed for terms of 4 years, except that, of the initial members, 4 members shall be appointed for a term of 2 years, 3 shall be appointed for a term of 3 years, and 3 shall be appointed for a term of 4 years. Committee members who are members of the general court shall serve for a 2-year term or until their successors are appointed. The commissioners shall serve coterminous with their term in office. The terms of initial members shall include an additional period of time between appointment and September 15, 1994. The members may be reappointed for one additional term. The chair and vice-chair shall be elected by the committee members at the first meeting. Members shall not serve as chair or vice chair for more than 2 consecutive 2-year terms.

IV. A member of the committee may resign upon written notice to the governor. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term of the original appointee. A member of the committee may be discharged pursuant to RSA 4:1.

V. The members of the committee appointed by the governor shall not receive a salary but shall receive mileage at the state employee rate and shall be reimbursed for reasonable expenses incurred in carrying out their duties under this subdivision. Legislative members shall receive legislative mileage when attending to their duties on the committee.

126-A:104 Administration of the Committee; Rulemaking.

I. The commissioner of health and human services, with the approval of the committee, may make professional and support staff from within the department of health and human services available to the committee and may also employ consultants and contract with individuals and entities for the provision of services as necessary to accomplish the purposes of this subdivision.

II. The commissioner, in consultation with the committee, shall adopt rules, under RSA 541-A, necessary to implement the provisions of this subdivision.

126-A:105 New Hampshire Health Plan.

I. It is the intent of the legislature to create the New Hampshire health plan in order to provide a vehicle for health care reform. The New Hampshire health plan shall be developed by the committee and the office of health planning and development with public input. The plan shall include, but not be limited to, the goals and principles of health care reform that shall strive to achieve a continuum of basic health care with an emphasis on preventive care, availability of primary care providers, insurance reform, tort reform, universal coverage, accessibility, comprehensiveness, affordability, cost control and accounting to benefit all citizens of the state of New Hampshire. It shall represent a comprehensive, coordinated approach to health care reform and shall be composed of multiple goals and strategies. The legislature intends that the plan address specific goals and strategies related to cost containment, quality of care, data collection and analysis, information availability, financing, and reforms in regulatory programs. The plan shall specify subgoals, quantifiable objectives, strategies, and resource requirements.

II. A health resource allocation plan shall be included as a component of the state health plan. The resource allocation plan shall utilize available data to assess the health status of residents of this state, evaluate the adequacy, accessibility, and affordability of health services and facilities, assess government-financed programs that provide health insurance coverage, and address other local and state health care issues. The resource allocation plan shall promote accessibility of primary and preventive care and control proliferation of tertiary care. The resource allocation plan shall identify the health care, facility and human resource needs in New Hampshire, the resources available to meet those needs, and priorities for addressing those needs on a statewide basis. With respect to the analysis of need, the resource allocation plan shall include:

(a) Identification of the current supply and distribution of hospital, nursing home and other inpatient services; home health and mental health services; treatment services for alcohol and drug abuse; emergency care; ambulatory care services, including primary care resources; human resources; major medical equipment; and health screening and early intervention services.

(b) A determination of the appropriate supply and distribution of the resources and services identified in subparagraph II(a) of this section, and mechanisms which will encourage the appropriate integration of these services on a local or regional basis. To arrive at such determination the board shall consider the following factors: the needs of the population on a statewide basis; the needs of particular geographic areas of the state; the use of New Hampshire facilities by out-of-state residents; the use of out-of-state facilities by New Hampshire residents; the needs of populations with special health care needs; the desirability of providing high quality services in an economical and efficient manner, including the appropriate use of mid-level practitioners; and the cost impact of these resource requirements on health care expenditures.

(c) A component which addresses health promotion and disease prevention.

III. The committee and the office of health planning and development shall develop the New Hampshire health plan at the earliest practicable date. The plan shall be revised as necessary and not less often than every 3 years. The office of health planning and development shall develop an initial draft plan. The committee shall then conduct a public hearing on the draft plan in each county in the state, and shall give interested persons an opportunity to submit their views orally and in writing. Not less than 30 days prior to any such hearing, the committee shall publish, in a manner designed to reach all interested persons, the time and place of the hearing, the place at which interested persons may review the proposed plan in advance of the hearing and the place and period during which to direct written comment to the committee. After completion of the public hearings, the committee shall produce a written summary of and response to the views expressed at the public hearings and shall recommend such changes to the draft plan as necessary and appropriate to implement the purposes of this subdivision. After consideration of the committee's recommendations, the office of health planning and development shall approve a final plan.

126-A:106 Committee; Other Powers and Duties.

I. The committee shall serve as the primary state entity responsible for overseeing the implementation of state level health care reform initiatives including any future health care reform initiatives required by the federal government.

II. The committee shall be responsible to ensure public participation in decision making about health care reform initiatives and to encourage regional and local participation in decision-making about health care delivery, financing and provider supply.

III. The committee shall be responsible for developing initiatives for promoting the availability of affordable, comprehensive insurance coverage. In the first instance, the committee shall assess the feasibility of consolidating purchasing groups such as public, nonprofit and small business employees on a voluntary basis to establish a large group, voluntary purchasing cooperative. The committee shall include in its November 1, 1995, annual report, recommendations for a purchasing cooperative structure. If a purchasing cooperative design is approved by the legislature, the committee shall oversee its implementation. The purpose of the purchasing cooperative shall be to contain or reduce health care costs and increase access to comprehensive coverage and quality services by coordinating and enhancing the purchasing power of purchasers of health care benefit plans for the groups included in the cooperative.

IV. The committee shall be responsible for developing initiatives for promoting cost containment. In the first instance, the committee shall develop at the earliest practicable time voluntary annual health care expenditure targets. The expenditure targets shall include expenditure or cost ceilings for various sectors and subsectors of the health care delivery system, including health care facilities, health care providers, and types of services or encounters. The targets shall be voluntary and designed to encourage providers, insurers, employers, and consumers to reduce the rate of health care costs inflation. The annual costs containment targets established by the committee shall provide a benchmark against which participants in the voluntary plan can measure the effectiveness of their specific efforts. The program is intended to produce voluntary reductions in prices and administrative overhead, increases in volume discounting, and other measures to reduce the cost of health care. The targets are also intended to help measure the growth of the health care system, identify needs for further cost control mechanisms, and assist in the development and allocation of necessary resources.

V. The committee shall provide an opportunity for public input on annual expenditures proposed to be made from the health care transition fund, if established, and shall make recommendations on such expenditures.

VI. In addition to any other power or duty authorized by law, the committee may:

(a) In conjunction with the department of health and human services, the division of public health services and other entities, provide assistance to local communities, institutions, and provider groups in the development of organized primary health care systems throughout the state.

(b) Investigate the possibility of establishing a program for reducing the cost of prescription drugs in this state.

126-A:107 Annual Report. On or before November 1, 1994, and on or before November 1 each year thereafter, the committee shall submit a report to the governor, the president of the senate, and the speaker of the house detailing its progress in carrying out the requirements of this subdivision and including recommendations for legislation for the coming legislative session which, in the opinion of the committee, is necessary to carry out its mandate under any part of this subdivision or to achieve the goals of the New Hampshire health plan or, more generally, to address the principles for health care reform as defined in RSA 126-A:105. A copy of this report shall be made available to members of the public upon request.

8 Director, Health Planning. Amend RSA 94:1-a, I by:

I. Deleting in group O, deputy commissioner of health and human services.

II. Inserting in group O, director, health planning.

9 New Section; Director of Health Planning. Amend RSA 126-A by inserting after section 4-d the following new section:

126-A:4-e Director, Health Planning. Subject to the approval of the governor and council, the commissioner of health and human services shall appoint a director, health planning who shall serve for a term of 4 years and until a successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The director shall perform such duties as may be assigned to such director by the commissioner, which may include, but not be limited to, the authority and power, with approval of the commissioner, to direct and supervise the development of health planning activities of the department. The

annual salary of the director, health planning shall be as prescribed in RSA 94:1-a. Salary, fringe benefits and related costs of the director, health planning shall be a charge against the health care transition fund.

10 Director, Health Planning. Amend RSA 126-A:58 to read as follows:

126-A:58 Office Established; Office of Health Planning. There is hereby established an office of health planning and development under the commissioner. Said office shall consist of a director, who shall be [a classified] *an unclassified* state employee, and such technical staff as is required to carry out the functions of Public Law 93-641 and amendments thereto, *and any other related duties.*

11 Repeal. RSA 126-A:4-d, relative to the deputy commissioner of health and human services, is repealed.

12 Effective Date.

I. Sections 5 and 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of creating health care provider cooperative agreements in New Hampshire.

This bill makes appropriations from the health care transition fund to certain divisions within the department of health and human services. The moneys are to be used for health-related purposes.

This bill also establishes the New Hampshire health care reform coordinating committee. Under this bill, the committee's duties include:

(1) Developing and adopting, with public input and the office of health planning and development, a state health plan addressing certain goals and principles of health care reform.

(2) Adopting rules pursuant to RSA 541-A relative to the administration of this new law.

(3) Submitting an annual report to the governor, president of the senate and the speaker of the house charting its progress in administering its duties and making recommendations for legislative measures required to address health care reform.

This bill also establishes the salary of the director of health planning.

Conferees: Sens. John King, Dist 18; Hollingworth, Dist 23; Hough, Dist 5.

Conferees: Reps. Robert Foster, Carr 10; Ann Torr, Straf 12; Douglas Hall, Merr 10; Wallner, Merr 24.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 792

The committee of conference to which was referred Senate Bill 792-A, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority and making an appropriation to the Pease International Tradeport having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Sections; Comprehensive Development Strategy; Pease Matching Grants. Amend RSA 12-G by inserting after section 27-a the following new sections:

12-G:27-b Comprehensive Development Plan Required.

1. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the Pease development authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$60,000,000, plus interest. The comprehensive development plan shall include the designation and delineation of a research dis-

strict within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

II. \$25,000,000 of any state guarantee awarded under paragraph I of this section shall be used by the authority for the purpose of securing bank financing only as a guarantee of 50 percent of any loss which may be incurred by the bank, and the bank's lien shall take precedence over all other liens for such financing, except as otherwise provided by law.

12-G:27-c Pease Matching Grants. Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$5,000,000 to make a loan or loans to the authority to be used for the purposes of matching funds for Federal Aviation Administration grants, Economic Development Administration grants, and other available grants. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority.

12-G:27-d Matching Funds. Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$10,000,000 to make a loan or loans to the authority to be used solely for the purposes of matching public and private funds, and said aggregate moneys shall be expended solely for the development of the research district of the Pease International Tradeport. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority.

Amend the bill by replacing section 5 with the following:

5 Repeal. RSA 12-G:27-a, II and III, relative to the Pease development authority budget, bonding and quarterly reports, are repealed.

AMENDED ANALYSIS

This bill authorizes new bonding authority for the Pease development authority. However, if the bonding authority is used, it is subject to the approval of the fiscal committee of the general court.

Certain bond proceeds must be used for matching public and private funds for the development of the research district at Pease International Tradeport.

The bill authorizes certain loans to be made to the authority to be used for matching federal grants.

The bill requires the authority to comply with the requirements of the state budget process under RSA 9.

The bill increases an appropriation to the department of transportation for Skyhaven airport.

Conferees: Sens. Hough, Dist 5; Blaisdell, Dist 10; Shaheen, Dist 21.

Conferees: Reps. Channing Brown, Graf 14; Franklin Torr, Straf 12; LaMott, Graf 5; Vaughn, Rock 35.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 793

The committee of conference to which was referred Senate Bill 793-A, relative to the Pease development authority and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 2 and 3 with the following:

2 Study Established. There is established a committee to study the feasibility of establishing a theme park, convention center, and a casino or such other casino complexes at certain sites in the state. The members of the committee shall be as follows:

I. Two members of the house of representatives, appointed by the speaker of the house within 5 days of the effective date of this section.

II. Two members of the senate, appointed by the president of the senate within 5 days of the effective date of this section.

III. The attorney general.

IV. The commissioner of the department of safety.

V. The commissioner of the department of resources and economic development.

3 Duties. The committee shall examine the feasibility of establishing a theme park, convention center, and casino or such other casino complexes at certain sites in the state in an effort to increase tourism and economic development. The committee shall, within the limits of the available appropriation, hire consultants and other personnel as it deems necessary to carry out the purpose of sections 2-3 of this act. Any contract, within the limits of the appropriation for the purposes of this act, entered into by the committee shall not need the approval of the governor and council.

AMENDED ANALYSIS

This bill authorizes loans to be made to the Pease development authority for its operating budget. The loan is to be repaid when money becomes available to the authority.

This bill also establishes a committee to study the feasibility of establishing a theme park, convention center, and casino or such other casino complexes at certain sites in the state.

The bill makes an appropriation to the committee to allow it to hire consultants.

Conferees: Sens. Hough, Dist 5; Blaisdell, Dist 10; Shaheen, Dist 21.

Conferees: Reps. Channing Brown, Graf 14; Klemm, Rock 28; Franklin Torr, Straf 12; Vaughn, Rock 35.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 794

The committee of conference to which was referred Senate Bill 794-A, making a capital appropriation for highway transportation infrastructure having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Appropriation. In each of the next 6 fiscal years beginning July 1, 1995, the difference between \$7,500,000 and the legislative estimate of debt scheduled to be paid on existing department of transportation bonds for such fiscal year is hereby appropriated to the department of transportation. The department shall first use any such sums to cover any deficit in the highway surplus account and any remaining sums shall be deposited in the highway and bridge betterment account. These sums are in addition to any other sums that may be appropriated to the department and shall be nonlapsing.

Conferees: Sens. Hough, Dist 5; Shaheen, Dist 21; MacDonald, Dist 3.

Conferees: Reps. Gene Chandler, Carr 1; Schotanus, Sull 3; LaMott, Graf 5; Katherine Rogers, Merr 22.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 806

The committee of conference to which was referred Senate Bill 806, relative to a capital appropriation for repair and restoration of the state house having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Balance from State House Dome Repair Project Appropriation. Amend 1991, 351:1, II, A as amended by 1993, 359:22 to read as follows:

A. Repair State House dome; repair and paint exterior of State House; repair State House windows; restoration of room 120 in the State House; *refurbish senate chamber; upholster chairs; air conditioning of room 100, room 120, and the senate president's office; smoking area in LOB basement.* * \$250,000

* Any anticipated balance from the state house dome repair project in this authorization shall be transferred from the department of administrative services to the general court. Of that balance, \$123,000 is available for repairing and painting the exterior of the state house, repairing the state house windows, and restoring room 120 in the state house; *\$30,000 is available for refurbishing of the senate chamber, including upholstering of chairs and sofas, new carpeting and sound system repair; and \$20,000 is available for upholstering of chairs in the state house cafeteria and the legislative office building basement lobby; \$6,200 is available for air conditioning of room 100, room 120, and the senate president's office in the state house; and \$11,000 is available for construction of a segregated, enclosed, ventilated smoking permitted area in the legislative office building basement. This appropriation shall not lapse until June 30, 1995.*

Conferees: Sens. Shaheen, Dist 21; MacDonald, Dist 3; Baldizar, Dist 12.

Conferees: Reps. John Chandler, Merr 1; Pfaff, Merr 11; Franklin Torr, Straf 12; Ahern, Hills 38.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 807

The committee of conference to which was referred Senate Bill 807-FN-L, allowing the establishment of the Capital Wellness Center, Inc. having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. John King, Dist 18; Currier, Dist 7; McLane, Dist 15.

Conferees: Reps. Gene Chandler, Carr 1; Pfaff, Merr 11; Keans, Straf 16; Katherine Rogers, Merr 22.

Adopted.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 317, establishing a grant program for closure of unlined solid waste landfills. (Report printed SJ 19, 5/24/94)

Adopted.

HB 439, relative to the profession of engineering. (Report printed SJ 19, 5/24/94)

The report failed.

**CONFERENCE COMMITTEE DISCHARGED,
NEW CONFERENCE REQUESTED**

Rep. Kathleen Ward moved that the House discharge the committee of conference on **HB 439**, relative to the profession of engineering, and request a new committee of conference.

Adopted.

The Speaker appointed Reps. Boucher, Dowd, Groves and Emerton.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (Cont'd.)

HB 451, requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice. (Report printed SJ 19, 5/24/94)
Adopted.

HB 639, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. (Report printed SJ 19, 5/24/94)
Adopted.

HB 656, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. (Report printed SJ 19, 5/24/94)

Rep. Kathleen Ward yielded to questions.

Adopted.

HB 661, relative to the highway and bridge betterment program. (Report printed SJ 19, 5/24/94)
Adopted.

HB 1120, making procedural and housekeeping changes regarding the board of tax and land appeals. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1135, relative to a judicial council study of family matters within the state court system. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1144, permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1171, relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1180, modifying the arson statutes to include historic structures and increasing the penalty. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1185, relative to fees charged for the registration of private pesticide applicators. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature. (Report printed SJ 20, 5/26/94)

Adopted.

HB 1193, amending the charter of St. Mary's Bank. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1194, relative to the board of accountancy and related professional fees. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1217, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1231, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial. (Report printed SJ 19, 5/24/94)

Rep. Gene Chandler yielded to questions.

On a division vote, 127 members having voted in the affirmative and 157 in the negative, the report failed.

RECONSIDERATION

Having voted with the prevailing side, Rep. Hawkinson moved that the House reconsider its action whereby it failed to adopt the Committee of Conference Report on **HB 1231**, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial.

Rep. Donna Sytek spoke in favor and yielded to questions.

Rep. Burling spoke in favor.

Roll call request sufficiently seconded. The question being the motion to reconsider.

YEAS 238 - NAYS 88

YEAS 238

BELKNAP

Bartlett, Gordon
Hawkins, Robert
Rice, Thomas, Jr.
Turner, Robert

Campbell, Richard, Jr.
Holbrook, Robert
Rosen, Ralph

Golden, Paul
Johnson, Carl
Salatiello, Thomas

Hauck, William
Lawton, David
Smith, Linda

CARROLL

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Mock, Henry

Dickinson, Howard, Jr.
Philbrick, Donald

CHESHIRE

Avery, Stephen
Cole, Stacey
Hunt, John
Pearson, Gertrude
Smith, Edwin

Bonneau, Sarah
DePecol, Benjamin
Kingsbury, H. Thayer
Richardson, Barbara
Young, David

Burnham, Daniel
Delano, Robert
Lynch, Margaret
Robertson, Timothy

Champagne, Richard
Foster, Katherine
McNamara, Wanda
Royce, H. Charles

COOS

Bradley, Paula
Hawkinson, Marie
Merrill, Gerald

Coulombe, Henry
Horton, Lynn
Pratt, Leighton

Guay, Lawrence
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

GRAFTON

Adams, Carl
Brown, Patricia
Hill, Richard
Wadsworth, Karen

Bean, Pamela
Driscoll, William
Nordgren, Sharon
White, Paul

Below, Clifton
Eaton, Stephanie
Teschner, Douglass

Brown, Channing
Gordon, Edward
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
Asselin, Robert
Buckley, Raymond
Cowenhoven, Garret
Drabinowicz, A. Theresa
Emerton, Lawrence, Sr.
Gervais, Glen
Healy, Daniel
Jasper, Shawn
L'Heureux, Robert
Milligan, Robert
Morrisette, Roland
O'Rourke, Joanne
Philbrook, Paula
Rothhaus, Finlay
Soucy, Richard
Turgeon, Roland

Allen, W. Gordon
Bagley, Amy
Calawa, Leon, Jr.
Crotty, Edward
Durham, Susan
Fields, Dennis
Gosselin, Gerald
Holden, Carol
Johnson, Lionel
Laughlin, J. Francis
Mittelman, David
Murphy, Robert
Paquette, Rodolphe
Plourde, Alphonse
Sallada, Roland
Stewart, Thomas
Vanderlosk, Stanley

Amidon, Eleanor
Bergeron, Lucien
Cepaitis, Elizabeth
Daniels, Gary
Dwyer, Patricia
Foster, Linda
Greenberg, Gary
Holley, Sylvia
Kelley, Robert
Lozeau, DonnaLee
Moncrief, Keith
Nardi, Theodora
Pepino, Leo
Reidy, Frank
Sargent, Maxwell
Sullens, Joan
Wheeler, Robert

Andrews, Frederick
Bowers, Dorothy
Cote, David
Desrosiers, William
Dyer, Merton
Franks, Suzan
Hart, Nick
Hunter, Bruce
Kirby, Thomas
Messier, Irene
Moore, Elizabeth
O'Hearn, Jane
Perkins, Paul
Rheault, Lillian
Smith, Leonard
Toomey, Kathryn
White, John

MERRIMACK

Barberia, Richard
Chandler, Earle

Braiterman, Thea
Coughlin, Anne

Buessing, Marjorie
Daneault, Gabriel

Carter, Susan
Dunn, Miriam

Feuerstein, Martin
Kennedy, Richard
Owen, Derek
Trombly, Rick
Yeaton, Charles

Fillion, Paul
Mitchell, Vernon
Pfaff, Terence
Wallner, Mary Jane

Hall, Douglas
Newland, Matthew
Stapleton, Henry
Ward, Jay

Johnson, C. William
Nichols, Avis
Teague, Bert
Whitemore, James

ROCKINGHAM

Arndt, Janet
Campbell, Marilyn
Coes, Betsy
DiPietro, Carmela
Dube, LeRoy
Groves, Bonnie
Katsakiores, George
McKinney, Betsy
Packard, Sherman
Raynowska, Bernard
Senter, Merilyn
Stone, Joseph
Welch, David
Yennaco, Carol

Battles, Marjorie
Case, Margaret
Conroy, Janet
Dowd, Sandra
Fesh, Robert
Hurst, Sharleene
Klemarczyk, Thaddeus
Miller, Don
Pantelakos, Laura
Rosencrantz, James
Skinner, Patricia
Sytek, Donna
Weyler, Kenneth

Bell, Juanita
Chester, Sherman
Cote, Patricia
Dowling, Patricia
Flanagan, Natalie
Johnson, Robert
Klemm, Arthur, Jr.
Newman, Rick
Pratt, Katharin
Rubin, George
Smith, Arthur
Sytek, John
Williamson, William

Boucher, William
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Drake, Herbert
Flanders, John, Sr.
Kane, Cecelia
Malcolm, Kenneth
Noyes, Richard
Putnam, Ed, II
Schanda, Joseph, Sr.
Splaine, James
Vaughn, Charles
Woods, Deborah

STRAFFORD

Brown, George
Knowles, William
Merrill, Amanda
Pelletier, Arthur

Brown, Julie
Loder, Suzanne
Musler, George
Rogers, Rose Marie

Callaghan, Frank
Lundborn, Raymond
Nehring, William
Torr, Ann

Hilliard, Dana
McCann, William, Jr.
Pageotte, Donald
Torr, Franklin

SULLIVAN

Allison, David
Flint, Gordon
Rodeschin, Beverly

Behrens, Thomas
Holl, Ann
Schothanus, Merle

Burling, Peter
Palmer, Lorraine
Stamatakis, Carol

Domini, Irene
Peyron, Fredrik

NAYS 88

BELKNAP

Ziegra, Alice

CARROLL

Allard, Nanci

Beach, Mildred

CHESHIRE

Manning, Joseph

Pratt, Irene

Riley, William

Russell, Ronald

COOS

Foss, Frederic

GRAFTON

Brown, Alson
Ham, Bonnie

Copenhaver, Marion
McIlwaine, Deborah

Crory, Elizabeth
Rose, William

Guest, Robert
Ward, Kathleen

HILLSBOROUGH

Arnold, Barbara
Clemons, Jane
Dykstra, Leona
Hanselman, Gregory
Kurk, Neal
McCarty, Winston
Record, Alice
Tate, Joan
Wright, George

Arnold, Thomas, Jr.
Daigle, Robert
Fenton, James
Holt, David
Lachut, Ervin
McRae, Karen
Riley, Frances
Upton, Barbara

Bergeron, Normand
Dodge, Emma
Ferguson, Charles
Jean, Claudette
Lown, Elizabeth
Mercer, Robert
Rodgers, G. Philip
Weergang, Alida

Burke, M. Virginia
Drolet, Paul
Hall, Betty
Jean, Loren
Martin, Mary Ellen
Packard, Bonnie
Soucy, Donna
Wells, Peter, Sr.

MERRIMACK

Chandler, John
Langer, Ray
Whalley, Michael

French, Barbara
Lockwood, Robert
Willis, Jack

Hager, Elizabeth
Moore, Carol

Kidder, William
Shaw, Randall

ROCKINGHAM

Beaulieu, Jon
Gorman, Donald
Pullman, Robert
Warburton, Calvin

Clark, Martha
Kruse, Fred
Ritzo, Eugene

Felch, Charles, Sr.
Lee, Rebecca
St. Martin, Tommy

Gage, Beverly
MacDonald, Maurice
Stritch, C. Donald

STRAFFORD

Chagnon, Ronald
Hambrick, Patricia
Merritt, Deborah
Wasson, Richard

Douglass, Clyde
Hemon, Roland
Snyder, Clair
Wheeler, Katherine

Dunlap, Patricia
Keans, Sandra
Spear, Barbara

Gilmore, Gary
McKinley, Robert
Wall, Janet

SULLIVAN

Cloutier, John

Lindblade, Eric

and reconsideration prevailed.

Roll call request sufficiently seconded. The question being the adoption of the Committee of Conference report.

YEAS 249 - NAYS 77**YEAS 249****BELKNAP**

Bartlett, Gordon
Hawkins, Robert
Rice, Thomas, Jr.
Turner, Robert

Campbell, Richard, Jr.
Holbrook, Robert
Rosen, Ralph
Ziegler, Alice

Golden, Paul
Johnson, Carl
Salatiello, Thomas

Hauck, William
Lawton, David
Smith, Linda

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Mock, Henry

CHESHIRE

Avery, Stephen
Cole, Stacey
Hunt, John
Pearson, Gertrude
Smith, Edwin

Bonneau, Sarah
DePecol, Benjamin
Kingsbury, H. Thayer
Richardson, Barbara
Young, David

Burnham, Daniel
Delano, Robert
Lynch, Margaret
Robertson, Timothy

Champagne, Richard
Foster, Katherine
McNamara, Wanda
Royce, H. Charles

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Coulombe, Henry
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

Harwell, Tyler
Merrill, Gerald

GRAFTON

Adams, Carl
Copenhaver, Marion
Guest, Robert
Teschner, Douglass

Bean, Pamela
Driscoll, William
Ham, Bonnie
Trelfa, Richard

Below, Clifton
Eaton, Stephanie
Hill, Richard
Wadsworth, Karen

Brown, Channing
Gordon, Edward
Nordgren, Sharon
White, Paul

HILLSBOROUGH

Ahrens, Frederick
Arnold, Barbara
Bowers, Dorothy
Cote, David

Allen, W. Gordon
Asselin, Robert
Buckley, Raymond
Cowenhoven, Garret

Amidon, Eleanor
Bagley, Amy
Calawa, Leon, Jr.
Crotty, Edward

Andrews, Frederick
Bergeron, Lucien
Cepaitis, Elizabeth
Daniels, Gary

Desrosiers, William
Emerton, Lawrence, Sr.
Gervais, Glen
Hart, Nick
Holt, David
Kelley, Robert
Laughlin, J. Francis
Moncrief, Keith
Nardi, Theodora
Pepino, Leo
Record, Alice
Sargent, Maxwell
Turgeon, Roland
White, John

Drabinowicz, A. Theresa
Ferguson, Charles
Gosselin, Gerald
Healy, Daniel
Hunter, Bruce
Kirby, Thomas
Lozeau, Donnalee
Moore, Elizabeth
O'Hearn, Jane
Perkins, Paul
Reidy, Frank
Smith, Leonard
Vanderlosk, Stanley
Wright, George

Dwyer, Patricia
Fields, Dennis
Greenberg, Gary
Holden, Carol
Jasper, Shawn
L'Heureux, Robert
Messier, Irene
Morrisette, Roland
O'Rourke, Joanne
Philbrook, Paula
Rheault, Lillian
Soucy, Richard
Weergang, Alida

Dyer, Merton
Franks, Suzan
Hanselman, Gregory
Holley, Sylvia
Johnson, Lionel
Lachut, Ervin
Mittelman, David
Murphy, Robert
Paquette, Rodolphe
Plourde, Alphonse
Rothhaus, Finlay
Toomey, Kathryn
Wheeler, Robert

MERRIMACK

Barberia, Richard
Chandler, John
Fillion, Paul
Kennedy, Richard
Nichols, Avis
Teague, Bert
Whittemore, James

Braiterman, Thea
Coughlin, Anne
Hager, Elizabeth
Lockwood, Robert
Pfaff, Terence
Trombly, Rick
Yeaton, Charles

Buessing, Marjorie
Daneault, Gabriel
Hall, Douglas
Mitchell, Vernon
Shaw, Randall
Wallner, Mary Jane

Chandler, Earle
Dunn, Miriam
Johnson, C. William
Newland, Matthew
Stapleton, Henry
Ward, Jay

ROCKINGHAM

Arndt, Janet
Case, Margaret
Cote, Patricia
Dube, LeRoy
Gage, Beverly
Johnson, Robert
Klemm, Arthur, Jr.
Newman, Rick
Pratt, Katharin
Rubin, George
Smith, Arthur
Sytek, Donna
Weyler, Kenneth

Battles, Marjorie
Chester, Sherman
Dowd, Sandra
Fesh, Robert
Gorman, Donald
Kane, Cecelia
Malcolm, Kenneth
Noyes, Richard
Putnam, Ed, II
Schanda, Joseph, Sr.
Splaine, James
Sytek, John
Williamson, William

Bell, Juanita
Christie, Andrew, Jr.
Dowling, Patricia
Flanagan, Natalie
Groves, Bonnie
Katsakiores, George
McKinney, Betsy
Packard, Sherman
Raynowska, Bernard
Senter, Marilyn
Stone, Joseph
Warburton, Calvin
Woods, Deborah

Campbell, Marilyn
Coes, Betsy
Drake, Herbert
Flanders, John, Sr.
Hurst, Sharleene
Klemarczyk, Thaddeus
Miller, Don
Pantelakos, Laura
Rosencrantz, James
Skinner, Patricia
Stritch, C. Donald
Welch, David
Yennaco, Carol

STRAFFORD

Brown, George
Dunlap, Patricia
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Torr, Ann

Brown, Julie
Gilmore, Gary
Lundborn, Raymond
Musler, George
Rogers, Rose Marie
Torr, Franklin

Callaghan, Frank
Hilliard, Dana
McCann, William, Jr.
Nehring, William
Snyder, Clair

Chagnon, Ronald
Knowles, William
McKinley, Robert
Pageotte, Donald
Spear, Barbara

SULLIVAN

Allison, David
Flint, Gordon
Rodeschin, Beverly

Behrens, Thomas
Holl, Ann
Schotanus, Merle

Burling, Peter
Palmer, Lorraine
Stamatakis, Carol

Domini, Irene
Peyron, Fredrik

NAYS 77 BELKNAP

None

CARROLL

Allard, Nanci

CHESHIRE

Manning, Joseph

Pratt, Irene

Riley, William

Russell, Ronald

COOS

Foss, Frederic

Hawkinson, Marie

GRAFTON

Brown, Alson

Brown, Patricia

Crory, Elizabeth

McIlwaine, Deborah

Rose, William

Ward, Kathleen

HILLSBOROUGH

Arnold, Thomas, Jr.

Bergeron, Normand

Burke, M. Virginia

Clemons, Jane

Daigle, Robert

Dodge, Emma

Drolet, Paul

Durham, Susan

Dykstra, Leona

Fenton, James

Foster, Linda

Hall, Betty

Jean, Claudette

Jean, Loren

Kurk, Neal

Lown, Elizabeth

Martin, Mary Ellen

McCarty, Winston

McRae, Karen

Mercer, Robert

Milligan, Robert

Packard, Bonnie

Riley, Frances

Rodgers, G. Philip

Sallada, Roland

Soucy, Donna

Stewart, Thomas

Sullens, Joan

Tate, Joan

Upton, Barbara

Wells, Peter, Sr.

MERRIMACK

Carter, Susan

Feuerstein, Martin

French, Barbara

Kidder, William

Langer, Ray

Moore, Carol

Owen, Derek

Whalley, Michael

Willis, Jack

ROCKINGHAM

Beaulieu, Jon

Boucher, William

Clark, Martha

Conroy, Janet

Crossman, Harold, Jr.

DiPietro, Carmela

Felch, Charles, Sr.

Kruse, Fred

Lee, Rebecca

MacDonald, Maurice

Pullman, Robert

Ritzo, Eugene

St. Martin, Tommy

Vaughn, Charles

STRAFFORD

Douglass, Clyde

Hambrick, Patricia

Hemon, Roland

Keans, Sandra

Merritt, Deborah

Wall, Janet

Wasson, Richard

Wheeler, Katherine

SULLIVAN

Cloutier, John

Lindblade, Eric

and the report was adopted.

HB 1237, making interference with the duty of a probation or parole officer a crime. (Report printed SJ 19, 5/24/94)

Reps. Richard Campbell and Kathleen Ward yielded to questions.

Reps. Richard Campbell and Donna Sytek spoke in favor.

Adopted.

HB 1245, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1260, establishing a task force to study public education funding issues. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1268, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1282, allowing coyote hunting at night. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1283, relative to transporting loads on highways and establishing fines. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1285, permitting solid waste management districts to contract with certain persons for solid waste management services. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1309, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1321, relative to liquor licenses for full service restaurants. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1327, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1329, clarifying the definition of public employee for purposes of workers' compensation. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1420, relative to the sale of defective vehicles. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1429, exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies. (Report printed SJ 19, 5/24/94)

Adopted.

RECESS

(Speaker Burns in the Chair)

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (Cont'd.)

HB 1442, relative to a real estate transfer questionnaire. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1447, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1450, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1456, relative to mental health care service providers. (Report printed SJ 19, 5/24/94)

Adopted.

Rep. Teschner declared a conflict of interest and did not participate.

HB 1484, relative to the tax exempt status of certain properties. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1493, relative to tax refunds from the department of revenue administration. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1496, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1512, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1525, relative to communications that constitute harassment. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1528, establishing a safe school zone and relative to school violence. (Report printed SJ 19, 5/24/94)

Rep. Franks yielded to questions.

Adopted.

HB 1533, relative to the composition of the pesticide control board. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1535, exempting certain vessels from the state vessel registration fee and the boat fee. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1551, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1571, appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1572, relative to the public employee labor relations board and filing fees and making an appropriation therefor. (Report printed SJ 19, 5/24/94)

Reps. Turner, Cowenhoven and Douglas Hall yielded to questions.

Rep. Keans spoke against and yielded to questions.

Rep. Hawkins spoke in favor and yielded to questions.

Rep. Robert Wheeler yielded to questions.

On a division vote, 226 members having voted in the affirmative and 89 in the negative, the report was adopted.

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee. (Report printed SJ 19, 5/24/94)

Adopted.

HB 1580, increasing the funds appropriated to finance the gubernatorial transition. (Report printed SJ 19, 5/24/94)

Adopted.

CONFERENCE COMMITTEE DISCHARGED, NEW CONFERENCE REQUESTED

Rep. Hawkins moved that the House discharge the committee of conference on **SB 621**, relative to eligibility for unemployment benefits, and request a new committee of conference.

Adopted.

The Speaker appointed Reps. Hawkins, Turner, Perkins and Bagley.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit introduction and consideration at the present time, without referral, printing, hearing and proper notice of **SB 809**, relative to enacting zoning ordinances in the Mountain Lakes District.

Rep. Teschner spoke in favor.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 809 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF SENATE BILL First, second reading

SB 809, relative to enacting zoning ordinances in the Mountain Lakes District.

REGULAR CALENDAR

SB 809, relative to enacting zoning ordinances in the Mountain Lakes District.

Rep. Teschner moved Ought to Pass.

Adopted and ordered to third reading.

REMOVED FROM THE TABLE

Rep. Conroy moved that **SB 636**, relative to the public use of coastal beaches for recreational purposes, be removed from the table. (Pending question: adoption of the amended committee report)

Adopted.

MOTION TO REFER FOR INTERIM STUDY

Rep. Dickinson moved that **SB 636**, relative to the public use of coastal beaches for recreational purposes be Referred for Interim Study.

Adopted.

UNANIMOUS CONSENT

Reps. Warburton, Jasper, Conroy and Laflam addressed the House.

Rep. Buckley moved that the remarks of Rep. Jasper be printed in the Journal.

Adopted.

Rep. Jasper: Thank you Mr. Speaker. I think by now that most members of this body know that I am not going to be running again this fall. It was a very difficult decision for me to reach and one which I am certainly not happy with. I come here today to say good bye, at least for now, and to leave you with some thoughts and to say thank you.

I am concerned for the institution, not that it won't be here; not that it won't be able to function, because it will. My concern is that this body is becoming very elitist, if you will, in terms of the numbers of people or the numbers of groups which are represented here. It has become increasingly difficult over the last 10 years, as we went to annual sessions, for a lot of people, such as myself, to serve. I know that we can't make this body work so that everyone can serve but I think we ought to be concerned about limiting the group that can be here. I know we all think, or many of us think, that there is a lot of important work we do and indeed all of the work we do is important. But, do we need to spend the amount of time doing it that we are currently spending? The State certainly survived for a good many years on biennial sessions and there were a lot of special sessions. I am not in favor of doing that. I think that in balancing the needs to be here and to do our work we ought to balance the ability of people to serve. I think the way to do that is try to put some control on the second session. I think we really ought to look at that, or you ought to look at that. I'm not going to be here. I would suggest that in the second year if we only did bills that were referred, did budget and revenue adjustment bills and perhaps bills requested by departments, we could do the work of the people and we could get out of here and we could allow people to make the sacrifice. We all know it's a sacrifice, but increasingly this body is coming to be made up of retirees and people who have the financial means to be here without being out there on the daily grind and we cannot truly represent all the people if we are limiting our views to those perspectives. I hope we give some consideration to that in the future and that we try not to allow this citizen's, volunteer legislature to become a full-time job made up of people who can afford that type of commitment.

I'm proud of the fact that in the eight years I have been here I've had two years where my voting record has been 100 percent and I have never fallen below 94 percent. I'm leaving because I don't want it to go below that and I would not be able to continue that type of commitment.

Beyond that, I want to say thank you to so many of you from both sides of the aisle. I came here first when I was 25-years-old and I have certainly learned a tremendous amount from many of the people who were here before; certainly many who are here still. It has been an honor and a privilege and I thank you all for your patience at times, for your insight and for your help and for your friendship. I hope to see most of you and, hopefully, all of you again in the future. Thank you very much.

RECESS

(Speaker Burns in the Chair)

SENATE MESSAGES

ACCEDED TO REQUEST FOR NEW COMMITTEE OF CONFERENCE

SB 149, relative to land surveying by individual proprietors, corporations or partnerships. The President appointed Sens. Currier, Bourque and Colantuono.

SB 638-FN, relative to the salary levels of the director of adult services/warden, commissioners of the department of corrections.

The President appointed Sens. Blaisdell, Hollingworth and Currier.

REFUSED TO ACCEDE TO REQUEST FOR
NEW COMMITTEE OF CONFERENCE

HB 439, relative to the profession of engineering.

REFUSED TO ADOPT COMMITTEE OF CONFERENCE REPORT

HB 628, requiring the department of safety to keep drivers' records confidential except for certain reasons.

SENATE ADOPTION OF KILLING MOTION TO DISPOSE OF
OUTSTANDING HOUSE BILLS

HB 190, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between 2 departments.

HB 280, relative to zoning requirements for family day care homes.

HB 288, relative to teacher representation on the New Hampshire retirement system board of trustees.

HB 1142, relative to lenders regulated by the banking department and relative to consumer credit transactions.

HB 1240, permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water.

HB 1415, relative to approval of the goals and future conditions section of the master plan by the local legislative body.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration beyond the deadline for filing Committee of Conference Reports on **SB 149**, relative to land surveying by proprietorships, corporations or partnerships, **SB 638**, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections, and **HB 389**, relative to the disclosure of certain historical information regarding property.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON SB 149

The committee of conference to which was referred Senate Bill 149-FN, relative to land surveying by proprietorships, corporations or partnerships having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Individual, Sole Proprietor, Corporate or Partnership Surveying. Amend RSA 310-A:53 by inserting after paragraph III the following new paragraphs:

IV. The practice of or the offer to practice land surveying in this state by individual licensed land surveyors under a proprietorship form or by a corporation or partnership, a material part of the business which includes land surveying, is permitted provided certain personnel of such entity who shall act in its behalf are licensed land surveyors under the provisions of this chapter and provided such entity has been issued a certificate of authorization by the board as provided in this chapter. Any entity issued a certificate under this section shall be required to comply with all of the provisions of this chapter.

V. Each such entity shall file with the board of licensure a designation of an individual or individuals licensed to practice land surveying in this state who shall be in charge of land surveying by such entity in this state. The person designated shall be a full-time officer, partner, owner or full-time employee of that entity. Such entity shall notify the board of licensure of any change in the entity's designation within 30 days after such change becomes effective.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-13 to read as 6-14, respectively:

5 New Paragraph; Rulemaking; Fines. Amend RSA 310-A:58, VII and VIII to read as follows:

VII. Matters related to the proper administration of this chapter; [and]

VIII. Procedures for the conduct of hearings consistent with the requirements of due process; *and*

IX. The establishment of administrative fines which may be levied in the administration of this chapter.

Amend the bill by replacing section 6 with the following:

6 New Section; Application for Certificate of Authorization. Amend RSA 310-A by inserting after section 65 the following new section:

310-A:65-a Application for Certificate of Authorization. The board shall issue a certificate of authorization to any proprietorship, corporation or partnership in accordance with the following:

I. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any proprietorship under this subdivision, the proprietorship shall file with the board an application on a form provided by the board, which specifies:

(a) The name and address of the owner of the proprietorship.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the proprietorship.

(c) Any other information required by the board relevant to the practice of land surveying.

II. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any corporation under this subdivision, the corporation shall file with the board an application on a form provided by the board, which specifies:

(a) The names and addresses of all officers and board members of the corporation.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the corporation.

(c) Any other information required by the board relevant to the practice of land surveying.

III. As a requirement of the issuance of any certificate of authorization or renewal of any certificate to any partnership under this subdivision, the partnership shall file with the board an application on a form provided by the board, which specifies:

(a) The names and addresses of all general and limited partners.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the partnership.

(c) Any other information required by the board relevant to the practice of land surveying.

IV. Any change in any of the information reported to the board by a proprietorship, corporation or partnership under paragraphs I, II and III shall be reported to the board within 30 days of the change.

Amend RSA 310-A:69, II as inserted by section 7 of the bill by replacing it with the following:

II. The secretary of state shall not issue a certificate of incorporation to any applicant for incorporation or for registration as a foreign proprietorship, corporation or partnership which includes the words "surveyor" or "surveying" or any modification or derivative thereof in its corporate or business name, or which includes the practice of land surveying among the objects for which it is established, unless the board shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization under this subdivision, a copy of which shall have been presented to the secretary of state. The secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to proprietorships, partnerships, or corporations holding certificates of authorization issued under the provisions of this subdivision, a copy of which shall have been presented to the secretary of state.

Amend the bill by replacing all after section 8 with the following:

9 Exemptions; Surveyor in Training Substituted for Subordinate. Amend RSA 310-A:74, II to read as follows:

II. The work of an employee or a [subordinate of] *surveyor in training* for a person holding a license under this chapter, or an employee of a person practicing lawfully under paragraph I, done under the direct responsibility, checking, and supervision of a person holding a license under this chapter or a person practicing lawfully under paragraph I;

10 Effective Date. This act shall take effect 60 days after its passage.

Conferees: Sens. Currier, Dist 7; Bourque, Dist 20; Colantuono, Dist 14.

Conferees: Reps. Boucher, Rock 29; Dowd, Rock 13; Foss, Coos 1; Groves, Rock 22.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 638

The committee of conference to which was referred Senate Bill 638-FN, An Act relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

5 Supplemental Appropriation; Department of Corrections. In addition to any other sums appropriated to the department of corrections, the sum of \$683,283 is hereby appropriated for the fiscal year ending June 30, 1994, for the purpose of replacing equipment and inventory destroyed as a result of the January 25, 1994, fire at the New Hampshire state prison warehouse. The governor is authorized to draw a warrant for said sum out any money in the treasury not otherwise appropriated.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill changes the salary ranges of the director of adult services/warden, and the commissioner of the department of corrections.

This bill makes a supplemental appropriation to the department of corrections to replace equipment and inventory lost in a fire.

Conferees: Sens. Blaisdell, Dist 10; Hollingworth, Dist 23; Currier, Dist 7.

Conferees: Reps. Franklin Torr, Straff 12; Robert Wheeler, Hills 7; Klemm, Rock 28; David Cote, Hills 29.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 389, relative to the disclosure of certain historical information regarding property. (Report printed SJ 20, 5/26/94)

Adopted.

MOTION TO DISPOSE OF OUTSTANDING BILLS

Reps. Ann Torr and Trombly moved that the following bills and any other bills not acted on this day, excluding those requiring Enrolled Bill Amendments, shall be indefinitely postponed.

HB 193-L, changing the school foundation aid distribution formula.

HB 439, relative to the profession of engineering.

HB 444-FN, allowing citizens to register to vote while applying for driver's licenses.

HB 1239, requiring peace officers to be trained in assisting sexual assault victims and giving the state police jurisdiction in certain sexual assault offenses.

HB 1342, prohibiting cable companies from requiring consumers to obtain converter boxes to receive cable television service and allowing franchising authorities to impose certain conditions on the use of scrambling devices.

HB 1567-FN, relative to the medical fee schedule, businesses with 25 or more employees and other aspects of workers' compensation.

HR 18, requesting an opinion of the justices concerning the constitutionality of an amendment to HB 257-FN.

SB 608, increasing the penalty for certain DWI offenses to include lifetime license revocation.

SB 621, relative to eligibility for unemployment benefits.

SB 676, relative to equal employment opportunity in the workplace.

SB 716, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

SB 717, relative to residency forms and automobile insurance.

Adopted.

CLERK'S NOTE: On May 24, the Senate prematurely voted to kill all unsigned Committee-of-Conference reports on Senate Bills. The House, on May 26, via the above motion, took the appropriate final action. The Bills in question were: SB 608, SB 621, SB 716, SB 717.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 22, 1994 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 809, relative to enacting zoning ordinances in the Mountain Lakes District.

Rep. Ann Torr moved that the House stand in recess for the purpose of enrolled bill amendments and enrolling reports only.

Adopted.

The House recessed at 5:30 p.m.

RECESS

(Rep. Carter in the Chair)

ENROLLED BILL AMENDMENTS

SB 90, relative to child support enforcement and child support payments.

Amendment (6681B)

Amend RSA 161-B:4, I(b)(2) as inserted by section 1 of the bill by replacing line 1 with the following:

(2) A court, pursuant to RSA 173-B, has issued a protective

Amend section 8 of the bill by replacing lines 2-3 with the following:
after paragraph XII the following new paragraph:

XIII. In any proceeding concerning the support of children, the
Adopted.

SB 225-FN, relative to shoreland protection.

Amendment (6703B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to shoreland protection and making an appropriation therefor.

Adopted.

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process.

Amendment (6692B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study patient access to information about health care providers and the quality assurance process and allowing nonprofit agencies serving disabled persons to apply for walking disability placards.

Adopted.

SB 580-FN, exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

Amendment (6713B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study future directions for New Hampshire child care licensing policies.

Adopted.

SB 592, making technical correction to the regulation of the height of a motor vehicle body and chassis.

Amendment (6690B)

Amend the title of the bill by replacing it with the following:

AN ACT

making a technical correction to the regulation of the height of a motor vehicle body and chassis and prohibiting the display of expired number plates.

Adopted.

SB 625-FN-A, relative to an in-home care pilot program and relative to community based care and making appropriations therefor.

Amendment (6673B)

Amend section 5 of the bill by replacing lines 11-12 with the following:
section shall be a charge against the health care transition fund, established in RSA 167:70.
Such appropriations shall be established in separate accounts
Adopted.

SB 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections.

Amendment (6689B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections and making a supplemental appropriation to the department of corrections.

Adopted.

SB 650-FN-A, establishing a committee to study lead base paint abatement and relative to the nuclear decommissioning financing committee.

Amendment (6702B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study lead base paint abatement, relative to the nuclear decommissioning financing committees and authorizing the housing finance authority to make lead abatement loans.

Amend section 2 of the bill by replacing line 13 with the following:
appointed within 30 days of the effective date of this section:

Amend section 3 of the bill by replacing line 4 with the following:
of this section.

Amend RSA 162-F:17, III as inserted by section 7 of the bill by replacing line 6 with the following:

department of justice may hire such temporary help, *including*

Adopted.

SB 655-FN-A, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor.

Amendment (6679B)

Amend paragraph II(a) of section 3 of the bill by replacing line 1 with the following:

(a) Use volume data required under RSA 224-A:6 for all major

Adopted.

SB 670-FN, making technical corrections to the securities laws, relative to fees for securities registration, and reinstating the charter of the Union International Corporation.

Amendment (6674B)

Amend section 29 of the bill by replacing line 5 with the following:
RSA 421-B:26, IV.

Amend the bill by inserting after section 34 the following new sections and renumbering the original section 35 to read as 38:

35 Contingent Renumbering. If SB 760-FN-A-LOCAL, An Act establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees and relative to the recognition of tax anticipation notes for the purpose of setting property tax rates, becomes law, RSA 6:12, I(iii) as inserted by section 29 of the bill shall be renumbered to RSA 6:12, I(jjj).

36 Authorization for Renumbering. If any other act of the 1994 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1994 session laws.

37 Reference Change if SB 805 Becomes Law. If SB 805, An Act reorganizing and making further amendments to the administrative procedure act, becomes law, the references to RSA 541-A:3-g and RSA 541-A:3-g, I in RSA 421-B:17, I(f)(5) as inserted by section 12 of this act shall be changed to RSA 541-A:18 and RSA 541-A:18, I, respectively.

Adopted.

SB 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings.

Amendment (6725B)

Amend the bill by replacing section 4 with the following:

4 Contingency. If SB 805 of the 1994 legislative session becomes law, then the references in RSA 36:30, I and RSA 363:32, I(a) as inserted by section 1 of the bill to RSA 541-A:16 through RSA 541-A:20 shall be changed to RSA 541-A:31 through RSA 541-A:35.

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; granting municipalities options for fire department financing and property ownership; and changing the bureau of fire standards and training to the division of fire standards and training.

Amendment (6711B)

Amend the bill by replacing section 5 with the following:

5 Exemption Added. Amend RSA 541-A:10, I(q) to read as follows:

(q) RSA 374:8, relative to a uniform system of accounts for regulated utilities[.];

(r) RSA 21-P:27, II(a) and (b), relative to educational, training and evidentiary standards for fire service personnel and curriculum requirements for schools training fire service personnel.

Amend section 10 of the bill by replacing line 1 with the following:

10 Change From Bureau to Division. Amend RSA 21-P:15, III to read as

Amend the bill by replacing section 21 with the following:

21 Contingency. If SB 805, An Act reorganizing and making further amendments to the administrative procedure act, becomes law, RSA 541-A:10, I(r) as inserted by section 5 of this act shall be renumbered to read as RSA 541-A:21, I(r).

22 Effective Date.

I. Sections 1-6 of this act shall take effect 60 days after its passage.

II. Paragraph I of section 16 of this act shall take effect as provided in paragraph III of section 20 of this act.

III. Section 21 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect August 1, 1994.

Adopted.

SB 688-L, relative to redemption of property subject to tax liens for the elderly and disabled and inserting certain references with regard to the exemption of the totally and permanently disabled.

Amendment (6700B)

Amend the bill by replacing all after section 6 with the following:

7 Definition of "Ownership of Real Estate". Amend RSA 72:29, VI to read as follows:

VI. For purposes of RSA 72:28, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, **37-b**, 39, 43-b, 43-f, 43-h, 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner", "owned" or "own", shall include those who have equitable title or the beneficial interest for life in the subject property.

8 Application for Exemption or Tax Credit. Amend RSA 72:33, I to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, **37-b**, 39, 43-b, 43-f, 43-h, 62, 66, and 70 unless he shall have filed with the selectmen or assessors, on or before April 15 of some year, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is duly qualified and is the true and lawful owner of the property on which the exemption or tax credit is claimed.

9 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1995.

II. Sections 7 and 8 of this act shall take effect July 10, 1994, at 12:01 a.m.

III. The remainder of this act shall take effect upon its passage.

Adopted.

SB 701-FN-A-L, extending a study committee.

Amendment (6685B)

Amend the bill by deleting section 2 and renumbering sections 3 and 4 to read as 2 and 3, respectively.

Amend the title of the bill by replacing it with the following:

AN ACT

extending the duties of the convention center study committee.

Adopted.

SB 709-FN, relative to changes mandated by OBRA, repealing a statute in conflict with the children's health plan, relative to the date on which medical child support orders must begin to include provisions concerning wage assignment, and relative to the appointment and salary of certain employees of the department of health and human services.

Amendment (6698B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to changes mandated by OBRA, repealing a statute in conflict with the children's health plan, relative to the date on which medical child support orders must begin to include provisions concerning wage assignment, relative to the appointment and salary of certain employees of the department of health and human services and relative to the authority of hospice house staff members to administer medication.

Amend the bill by deleting section 7 and renumbering the original sections 8-10 to read as 7-9, respectively.

Amend the bill by replacing section 9 with the following:

9 Effective Date.

I. Section 6 of this act shall take effect October 1, 1994, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

Adopted.

SB 723-FN-L, requiring the director of the division of human services to submit a proposal for expanding the emergency assistance program under Title IV-A of the Social Security Act to include certain non-AFDC eligible households.

Amendment (6672B)

Amend paragraph I of section 1 of the bill by replacing line 19 with the following: children, youth, and families should now qualify as emergency assistance

Adopted.

SB 740-FN, relative to employee leasing and requiring the department of safety to keep drivers records confidential except for certain reasons and making an appropriation therefor.

Amendment (6717B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to employee leasing and making an appropriation therefor to the department of labor.

Amend RSA 277-B:5, IV as inserted by section 1 of the bill by replacing line 16 with the following:

of RSA 277-B:11, II.

Adopted.

SB 747-FN, relative to rent-to-own agreements.

Amendment (6722B)

Amend RSA 358-O:4, VIII as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

option to purchase, including a statement that the consumer has the right to exercise an early purchase option and the price, formula or method for

Amend RSA 358-O:6, III(c) as inserted by section 1 of the bill by replacing line 3 with the following:

option to purchase the rented property; or

Amend RSA 358-O:7, I(c) as inserted by section 1 of the bill by replacing line 2 with the following:

in any property of the consumer.

Amend the bill by replacing section 3 with the following:

3 Contingency. If HB 1545 of the 1994 legislative session becomes law, then RSA 358-O and all references to RSA 358-O in such chapter, as inserted by section 1 of this act, shall be renumbered as RSA 358-P.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1995.

Adopted.

SB 753-FN-A-L, relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor.

Amendment (6682B)

Amend section 1 of the bill by replacing lines 2-4 with the following:

Amend RSA 167 by inserting after section 73 the following new subdivision:

Economic Self-Sufficiency for AFDC Recipients

167:74 Findings and Purpose. The general court finds that elements of

Amend RSA 167:70 as inserted by section 1 of the bill by replacing line 1 with the following:

167:75 Rulemaking. The director of the division of human services

Amend section 2 of the bill by replacing lines 3-11 with the following:

services, division of human services, for the purposes of RSA 167:75, I as inserted by section 1 of this act, which shall be the maximum amount available for such purposes. The sum of \$32,918 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:75, II as inserted by section 1 of this act. The sum of \$472,793 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:75, III, as inserted by section 1 of this act. The governor is

Adopted.

SB 763, establishing an executive board for community service.

Amendment (6694B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing an executive board for national and community service.

Amend section 2 of the bill by replacing lines 2-6 with the following:

Service Established. Amend RSA by inserting after RSA 19-F the following new chapter:

CHAPTER 19-G

NEW HAMPSHIRE EXECUTIVE BOARD FOR NATIONAL AND COMMUNITY SERVICE

19-G:1 New Hampshire Executive Board for National and Community Service

Amend RSA 19-F:2 and 19-F:3 as inserted by section 2 of the bill by renumbering them to read as RSA 19-G:2 and 19-G:3, respectively.

Amend section 3 of the bill by replacing line 1 with the following:

3 Prospective Repeal. RSA 19-G, relative to the New Hampshire executive

Adopted.

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor.

Amendment (6721B)

Amend RSA 135:17-a, I as inserted by section 2 of the bill by replacing line 2 with the following:

person is not competent to stand trial, the court may, following a hearing and a determination that such person is dangerous to self or others, order the person to

Amend the bill by replacing all after section 12 with the following:

13 Applicability. The provisions of this act shall apply to acts leading to a felony charge which occur on or after January 1, 1995.

14 Commitment. Amend RSA 622:45, I to read as follows:

I. Any person subject to an involuntary admission to the state mental health service system pursuant to RSA 135-C *or any person subject to involuntary admission pursuant to RSA 171-B* may at any time be transferred to the unit upon a determination that the person would present a serious likelihood of danger to himself or to others if admitted to or retained in a receiving facility in the state mental health services system. The admission to the unit may be ordered by:

(a) A probate court pursuant to RSA 135-C:34-54; or

(b) An administrator of a designated receiving facility to which a person has been involuntarily admitted pursuant to an involuntary emergency [hospitalization] *admission or an involuntary admission[.]*;

(c) *A probate court pursuant to RSA 171-B or an administrator of a receiving facility to which a person has been involuntarily admitted pursuant to RSA 171-B.*

15 Contingency.

I. If HB 1119 of the 1994 legislative session becomes law, then section 14 of this act shall take effect January 1, 1995 and section 10 of this act shall not take effect.

II. If HB 1119 of the 1994 legislative session does not become law, then section 10 of this act shall take effect January 1, 1995 and section 14 of this act shall not take effect.

16 Effective Date.

I. Section 1 of this act shall take effect January 1, 1995, at 12:01 a.m.

II. Sections 10 and 14 of this act shall take effect as provided in section 15.

III. Section 15 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect January 1, 1995.

Adopted.

SB 774-FN, to increase the medicaid coverage for all pregnant women and children up to 18 years of age and making an appropriation therefor.

Amendment (6676B)

Amend section 1 of the bill by replacing line 2 with the following:

Amend the introductory paragraph of RSA 167:68, I to read as follows:

Amend section 3 of the bill by replacing line 4 with the following:

be a charge against the health care transition fund, established in RSA 167:70. Such
Adopted.

SB 791-FN-A, making certain appropriations to the department of health and human services.

Amendment (6688B)

Amend the title of the bill by replacing it with the following:

AN ACT

making certain appropriations to the department of health and human services, establishing a committee to study the feasibility of creating health care provider cooperative agreements, and establishing the New Hampshire health care reform coordinating committee.

Adopted.

SB 793-A, authorizing loans to be made to the Pease development authority and establishing a committee to study establishing an entertainment complex at Pease International Tradeport and at other possible sites and making an appropriation therefor.

Amendment (6712B)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing loans to be made to the Pease development authority and establishing a committee to study the feasibility of establishing a theme park, convention center, and casino at certain sites and making an appropriation therefor.

Adopted.

SB 800-FN, relative to the child protection act.

Amendment (6675B)

Amend the bill by replacing section 15 with the following:

15 Change "Bureau of Children" to "Division for Children, Youth, and Families." Amend the section heading of RSA 169-C:34 to read as follows:

169-C:34 Duties of the [Bureau of Children] *Division for Children, Youth, and Families.*
Adopted.

SB 805, reorganizing and making further amendments to the administrative procedure act.

Amendment (6671B)

Amend RSA 541-A:6, I as inserted by section 1 of the bill by replacing line 2 with the following:

hold a public hearing and shall also give notice of the cut-off date for the

Amend RSA 541-A:13, VI as inserted by section 1 of the bill by replacing line 2 with the following:

rule is filed with the director under subparagraph V(d), the burden of

Amend RSA 541-A:14, IV as inserted by section 1 of the bill by replacing line 13 with the following:

shall maintain a file of its own currently effective rules, both of which shall be

Amend RSA 541-A:1 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VI-a. "Final legislative action" means the defeat of a joint resolution sponsored by the legislative committee on administrative rules pursuant to RSA 541-A:13, VII(b) in either the house or the senate, or the failure of the general court to override the governor's veto of the joint resolution.

Amend RSA 541-A:13, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If the committee makes a preliminary objection to the rule, the agency shall respond to the objection by withdrawing the rule, by amending the rule to remove the basis for objection, or by making no change. The agency shall respond to a committee objection only once, and shall report its response in writing to the committee within 45 days of the committee's vote to make a preliminary objection. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of the agency response, the committee may modify its objections made under paragraph IV or approve the rule.

Amend RSA 541-A:13, V(d) as inserted by section 1 of the bill by replacing it with the following:

(d) If the agency responds but the basis for the committee's preliminary or revised objection has not been removed or the response creates a new basis for objection, the committee may, by majority vote of the entire committee, file a final objection. The final objection shall be filed in certified form with the director of legislative services, who shall publish the objection in the next issue of the rulemaking register.

Amend RSA 541-A:13 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII(a) The provisions of this paragraph may be used by the committee as an alternative to or in addition to the final objection procedure employed by the committee in paragraph V.

(b) If an agency responds under subparagraph V(b) or (c) but the basis for objection has not been removed or the response creates a new basis for objection, the committee may, within 45 days from the date by which the objection response was due and by majority vote of the entire committee, recommend legislative action through sponsorship of a joint resolution to implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the agency for the period of time specified in subparagraph VII(c).

(c) If the committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period

shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the 60th calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

(d) The provisions of this paragraph shall apply to only the portion of the agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A while the committee pursues legislative action under this paragraph, nor shall it prevent the committee from also voting to enter a final objection pursuant to paragraph V.

(e) Nothing in this section shall prevent the general court from introducing legislation which addresses any matter included in a joint resolution introduced under the provisions of this section.

(f) Notwithstanding any house or senate rules to the contrary, a joint resolution which the committee votes to sponsor under subparagraph VII(b) may be introduced at any time during the legislative session. It shall be subject to the same rules as any other bill introduced at the beginning of the legislative session.

Amend RSA 541-A:14, I as inserted by section 1 of the bill by replacing it with the following:

I. An agency may adopt a properly filed final proposed rule after:

(a) The passage of 45 days from filing of a final proposal under RSA 541-A:12 without receiving notice of objection from the committee;

(b) Receiving notice of approval from the committee;

(c) Passage of the 45-day period for committee review of the preliminary objection response, or revised objection response, if applicable, provided that the committee has not voted to sponsor a joint resolution pursuant to RSA 541-A:13, VII; or

(d) Final legislative action, as defined in RSA 541-A:1, VI-a, is taken on the joint resolution sponsored pursuant to RSA 541-A:13, VII(b) or the passage of the 90 consecutive calendar days specified by RSA 541-A:13, VII(c), whichever occurs first.

Amend RSA 541-A:21, I as inserted by section 1 of the bill by inserting after subparagraph (p) the following new subparagraph:

(q) RSA 374:8, relative to a uniform system of accounts for regulated utilities.

Amend RSA 179:56, I as inserted by section 23 of the bill by replacing lines 4 and 5 with the following:

commission shall be in accordance with RSA 541-A:[16-22] **31-36**. In any such investigation or hearing the commission shall not

Amend RSA 179:57, I as inserted by section 24 of the bill by replacing line 12 with the following:

hearing, in accordance with RSA 541-A:[16-22] **31-36**.

Amend the bill by replacing all after section 52 with the following:

53 Application.

I. The provisions of section 1 of this act shall govern the following on or after the effective date of this act:

(a) All rulemaking initiated by filing a notice of rulemaking under RSA 541-A:6.

(b) All emergency rules adopted under RSA 541-A:18.

(c) All interim rules initiated by providing notice of an interim rule under RSA 541-A:19, II.

II. The provisions of RSA 541-A:1, VI-a; RSA 541-A:13, V(b) and (d); RSA 541-A:13, VII; and RSA 541-A:14, I(c) and (d) as inserted by section 1 of this act as derived from HB 686 shall apply to final proposals which are filed on or after the effective date of this act.

54 Authority to Conform Other Laws. If any act, the provisions of which contain references to RSA 541-A as it existed prior to its repeal and reenactment by this act becomes law, the director of legislative services is authorized to make any necessary reference changes, and any technical changes to the numbering in any bill sections or RSA sections as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of 1994 session laws.

55 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

HB 260-FN, establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services.

Amendment (6697B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a used oil collection program and an automobile oil fee to fund such program, and making a supplemental appropriation to the department of environmental services.

Amend section 2 of the bill by replacing lines 2 and 3 with the following:
paragraph I-a the following new paragraph:

I-b. "Automotive oil" means any lubricating oil, which is

Amend RSA 147-B:9, III as inserted by section 6 of the bill by replacing line 2 with the following:

recycled and exempt from the fee under RSA 147-B:8, II.

Adopted.

HB 389, relative to the disclosure of certain historical information regarding property.

Amendment (6715B)

Amend section 1 of the bill by replacing lines 2-3 with the following:
section 4-d the following new section:

477:4-e History of Property.

Amend RSA 477:4-e, II as inserted by section 1 of the bill by replacing line 3 with the following:

concerning the matter in RSA 477:4-e, I.

Adopted.

HB 438-FN, requiring criminal history record and protective order checks for sales of handguns by dealers using a premium telephone service.

Amendment (6693B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring criminal history record and protective order checks for sales of handguns by dealers using a premium telephone service and making an appropriation therefor

Adopted.

HB 451-FN, requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.

Amendment (6705B)

Amend RSA 328-E:10, I(c) as inserted by section 1 of the bill by replacing line 3 with the following:

RSA 328-E:12.

Amend RSA 328-E:11, II as inserted by section 1 of the bill by replacing lines 5-7 with the following:

the joint legislative committee on administrative rules, the senate executive departments and administration committee, and the house executive departments and administration committee for further corrective oversight action.

Amend the bill by replacing all after section 2 with the following:

3 Contingency. If SB 805, An Act reorganizing and making further amendments to the administrative procedure act, of the 1994 legislative session becomes law, then the reference to RSA 541-A:3-a, VII in RSA 328-E:11, I as inserted by section 1 of this act shall be renumbered to read as RSA 541-A:10.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 1998.

II. Section 3 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 1995.

Adopted.

HB 510, relative to certificate of election blanks and write-in votes.**Amendment (5630B)**

Amend the bill by replacing section 1 with the following:

1 Number of Write-In Votes Required to Receive Nomination. Amend RSA 659:88, I(a) to read as follows:

(a) A person whose name was not printed on the official state primary election ballot of a political party shall not be entitled to the nomination of that party for any office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that party on such state primary election ballot, whichever is the smaller, *but in no event less than 5 write-in votes.*

Adopted.

HB 622-FN, relative to solid waste management districts.**Amendment (6718B)**

Amend RSA 53-B:6, I as inserted by section 5 of the bill by replacing line 11 with the following:

provisions of RSA 53-B:1 - RSA 53-B:14 providing for the establishment of a

Amend RSA 53-B:6-a, I as inserted by section 6 of the bill by replacing it with the following:

I. A list of the municipalities included in the district.

Adopted.

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.**Amendment (6714B)**

Amend the bill by inserting after section 4 the following new section and renumbering the original section 5 to read as 6:

5 Contingency. If SB 805 of the 1994 legislative session becomes law, then the reference to RSA 541-A:16-21 in RSA 205-A:27, IV(c) as inserted by section 1 of this act shall be changed to read as RSA 541-A:31-36.

Adopted.

HB 652-FN, relative to state fee reform.**Amendment (6683B)**Amend section 3 of the bill by replacing lines 2 and 3 with the following:
after paragraph IV-a the following new paragraph:

IV-b.(a) "Fee" means a charge imposed by rule which is in return for

Amend the bill by replacing section 7 with the following and renumbering the original section 7 to read as 8:

7 Contingent Renumbering. If SB 805, an act reorganizing and making further amendments to the administrative procedure act, becomes law:

I. RSA 541-A:1, IV-b as inserted by section 3 of this act shall be renumbered to RSA 541-A:1, V-a.

II. RSA 541-A:3-a, I(d)(6) as inserted by section 4 of this act shall be renumbered to RSA 541-A:5, IV(f) and (f)(1), (2), and (3).

III. RSA 541-A:3-e, IV(c)-(e) as inserted by section 5 of this act shall be renumbered to RSA 541-A:13, IV(c)-(e).

Adopted.

HB 1120-L, making procedural and housekeeping changes regarding the board of tax and land appeals and relative to the jurisdiction of the board.

Amendment (6687B)

Amend the title of the bill by replacing it with the following:

AN ACT

making procedural and housekeeping changes regarding
the board of tax and land appeals.

Adopted.

HB 1135, relative to a study committee of resolution of family issues within the state court system.

Amendment (6706B)

Amend 1993, 358:11, I(h) as inserted by section 1 of the bill by replacing line 1 with the following:

(h) The director of the division for children, youth, and families,

Adopted.

HB 1144-FN, permitting the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer and relative to the permit fee.

Amendment (6707B)

Amend RSA 208:5-b as inserted by section 2 of the bill by replacing line 3 with the following:

208:5-a. Such special deer permit shall allow the taking of additional

Adopted.

HB 1191-FN, relative to victims and victims' compensation.

Amendment (6678B)

Amend RSA 651:4-a as inserted by section 2 of the bill by replacing line 17 with the following:

sentence *or making a decision regarding sentence reduction or sentence suspension.*

Adopted.

(Rep. Bean in the Chair)

HB 1231, establishing a committee to oversee the site selection, design and construction of a New Hampshire law enforcement memorial.

Amendment (6686B)

Amend RSA 4:9-c, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. The members of the committee established in RSA 4:9-b

Amend RSA 4:9-d as inserted by section 1 of the bill by replacing line 2 with the following:

in RSA 4:9-b shall be as follows:

Adopted.

HB 1237, relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime.

Amendment (6709B)

Amend the bill by replacing section 13 with the following:

13 Contingent Renumbering. If SB 641-FN becomes law, RSA 100-A:1, VII(e) as inserted by section 6 of this act shall be renumbered to RSA 100-A:1, VII(f).

14 Effective Date.

I. RSA 504-A:12-a as inserted by section 9 of this act shall take effect January 1, 1995.

II. Section 13 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1994.
Adopted.

HB 1268-FN-A-L, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3, granting a right-of-way, approving certain projects in the United States Route 3 and New Hampshire Route 11 transportation corridor study and requiring the department to study traffic alternatives for Franklin to Laconia and making an appropriation therefor.

Amendment (6669B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of transportation to add traffic signals and
make improvements to certain portions of U.S. Route 3
and making an appropriation therefor.

Adopted.

HB 1282, allowing coyote hunting at night.

Amendment (6701B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing coyote hunting at night and establishing
a license fee for hunting coyote at night.

Adopted.

HB 1283, relative to transporting trash and scrap metal.

Amendment (6670B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to transporting scrap metal.

Adopted.

HB 1382, creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund.

Amendment (6680B)

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 Toll Collection System Study Committee; Members. There is created a committee to study the toll collection

Amend section 1 of the bill by renumbering subparagraphs (a) - (g) to read as paragraphs I-VII, respectively.

Amend section 2 of the bill by renumbering the original subparagraph I(e) to read as paragraph II, the original paragraph II to read as III, and the original subparagraph II(i) to read as paragraph IV.

Adopted.

HB 1420, relative to the sale of defective vehicles and vehicle leases which are not sales or security interests.

Amendment (6708B)

Amend the bill by replacing section 3 with the following:

3 Contingent Nullification. If HB 1117 becomes law, RSA 357-D:11 as inserted by section 1 of this act shall be null and void and of no effect.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1995.

Adopted.

HB 1429-L, temporarily exempting certain programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

Amendment (6691B)

Amend the title of the bill by replacing it with the following:

AN ACT
exempting municipal recreation programs from child
day care licensing regulation.

Adopted.

HB 1447-FN, making communications of advanced registered nurse practitioners privileged, extending certain duties to ARNPs and establishing a study committee.

Amendment (6710B)

Amend the title of the bill by replacing it with the following:

AN ACT
making communications of advanced registered nurse practitioners privileged,
extending certain duties to ARNPs, relative to temporary
licensure for certain registered nurse graduates,
and establishing a study committee.

Adopted.

HB 1450-L, permitting municipalities to expand the information contained on property tax bills and to include other bills and tax abatement information mailings with property tax bills.

Amendment (6723B)

Amend RSA 76:11-a as inserted by section 2 of the bill by replacing it with the following:
76:11-a Information [Required].

I. The tax bill which is sent to every person taxed, as provided in RSA 76:11, shall show the rate for municipal, school and county taxes separately, the assessed valuation of all lands and buildings for which said person is being taxed, and the right to apply in writing to the selectmen or assessors for an abatement of the tax assessed as provided under RSA 76:16. The department of revenue administration shall compute for each town and city the rates which are to appear on the tax bills and shall furnish the required information to the appropriate town or city.

II. The tax bill shall also contain a statement informing the taxpayer of the types of tax relief for which the taxpayer has the right to apply. The following statement shall be considered adequate:

"If you are elderly, disabled, blind, a veteran or veteran's spouse, or are unable to pay taxes due to poverty or other good cause, you may be eligible for a tax exemption, credit, abatement or lien. For details and application formation, contact (insert title of local assessing officials or office to which application should be made)."

This statement shall be prominent and legible, and may either be printed on the tax bill itself, or on a separate sheet of paper enclosed with the tax bill. A municipality may in its discretion choose to include more detailed information about the eligibility criteria for different forms of tax relief, provided, however, that the information in the above statement shall be considered a minimum.

III. A town or city may, by majority vote of its governing body, include information additional to that required under paragraphs I and II on the tax bill as a means of further educating the public relative to the laws regarding property taxes.

Adopted.

HB 1456, relative to mental health care service providers.

Amendment (6696B)

Amend the bill by replacing section 2 with the following:

2 Contingency. If SB 518 of the 1994 legislative session becomes law, then chapter 420-H, as inserted by section 1 of this act, shall be renumbered as chapter 420-I.

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1995.

Adopted.

HB 1466, including advanced registered nurse practitioners in insurance policies for certain conditions.

Amendment (6699B)

Amend the bill by replacing all after section 10 with the following:

11 Health Insurance for Mental or Nervous Condition; Certified Clinical Social Workers Added. Amend RSA 415:18-a, I to read as follows:

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, psychologists, licensed pastoral counselors, [and] psychiatric/mental health advanced registered nurse practitioners, *and certified clinical social workers*, are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III and IV.

12 Health Insurance Benefits; Certified Clinical Social Worker Added. Amend RSA 415:18-a, III(a) to read as follows:

(a) Benefits for services of a psychiatrist, psychologist, licensed pastoral counselor, [or] psychiatric/mental health advanced registered nurse practitioner, *or certified clinical social worker* who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses, and the ratio of the benefits to the fees reasonably and customarily charged for the services of such psychiatrists, psychologists, licensed pastoral counselors, [or] psychiatric/mental health advanced registered nurse practitioners, *or certified clinical social workers* shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

13 Health Insurance; Certified Clinical Social Worker Added. Amend RSA 415:18-a, IV to read as follows:

IV. In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a psychiatrist, a psychologist, a licensed pastoral counselor, a psychiatric/mental health advanced registered nurse practitioner, *a certified clinical social worker*, a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services.

14 New Subparagraph; Definition; Certified Clinical Social Worker. Amend RSA 415:18-a, V by inserting after subparagraph (d) the following new subparagraph:

(e) "Certified clinical social worker" means an individual who is certified as a clinical social worker under RSA 330-A:16-d.

15 Hospital Service Corporations; Certified Clinical Social Workers Added. Amend RSA 419:5-a, I to read as follows:

I. Every hospital service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, psychologists, licensed pastoral counselors, [and] psychiatric/mental health advanced registered nurse practitioners, *and certified clinical social workers*, are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in RSA 419:5-a, II and III.

16 Hospital Service Corporations; Certified Clinical Social Worker and ARNP. Amend RSA 419:5-a, III to read as follows:

III. In the case of policies or certificates providing benefits for hospital expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. If such a policy or certificate is issued jointly with a medical service corporation licensed under RSA 420 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services; except that such expenses may exclude charges arising from the professional services of a psychiatrist [or], a psychologist, *a psychiatric/mental health advanced registered nurse practitioner, a certified clinical social worker*, or a licensed pastoral counselor who customarily bills patients directly rather than to a hospital, community mental health center or psychiatric residential program.

17 New Subparagraph; Hospital Service Corporations; Definition; Certified Clinical Social Worker. Amend RSA 419:5-a, IV by inserting after subparagraph (d) the following new subparagraph:

(e) "Certified clinical social worker" means an individual who is certified as a clinical social worker under RSA 330-A:16-d.

18 Medical Service Corporation; Certified Clinical Social Worker. Amend RSA 420:5-a, I to read as follows:

I. Every medical service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, psychologists, licensed pastoral counselors, [and] psychiatric/mental health advanced registered nurse practitioners, *and certified clinical social workers* are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in RSA 420:5-a, II and III.

19 Certified Clinical Social Worker Added. Amend RSA 420:5-a, II(a) to read as follows:

(a) Benefits for services of a psychiatrist, psychologist, licensed pastoral counselor, [or] psychiatric/mental health advanced registered nurse practitioners, *or certified clinical social worker* who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for

other illnesses, and the ratio of the benefits to the fees reasonably and customarily charged for the services of such psychiatrists, psychologists, licensed pastoral counselors, [or] psychiatric/mental health advanced registered nurse practitioners, *or certified clinical social workers* shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

20 Certified Clinical Social Worker Added. Amend RSA 420:5-a, III to read as follows:

III. In the case of policies or certificates providing benefits for medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. If such a policy or certificate is issued jointly with a hospital service corporation licensed under RSA 419 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges of a psychiatrist, psychologist, licensed pastoral counselor, [or] psychiatric/mental health advanced registered nurse practitioner, *or certified clinical social worker* who customarily bills patients directly.

21 New Subparagraph; Medical Service Corporations; Definition; Certified Clinical Social Worker. Amend RSA 420:5-a, IV by inserting after subparagraph (d) the following new subparagraph:

(e) "Certified clinical social worker" means an individual who is certified as a clinical social worker under RSA 330-A:16-d.

22 Provisions Voided. The provisions of HB 1453 (1994, 96), relative to certified clinical social workers, shall be null and void and of no effect.

23 Effective Date.

I. Sections 1-10 of this act shall take effect 60 days after its passage.

II. Section 22 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 1995.

Adopted.

HB 1484-L, relative to the tax-exempt status of certain properties and adding members to the study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax exempt properties.

Amendment (6720B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the tax-exempt status of certain properties and changing the membership of a study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax exempt properties.

Amend the bill by replacing all after section 5 with the following:

6 Effective Date.

I. Section 5 of this act shall take effect May 23, 1994 at 12:01 a.m.

II. The remainder of this act shall take effect April 1, 1994.

Adopted.

HB 1515-FN, relative to the emissions reduction credits trading program.

Amendment (6724B)

Amend the bill by inserting after section 3 the following new section and renumbering the original section 4 to read as 5:

4 Contingent Renumbering. If SB 805, An Act reorganizing and making further amendments to the administrative procedure act, becomes law, the reference to RSA 541-A:3-a in RSA 125-J:12, II as inserted by section 2 of this act shall be renumbered to RSA 541-A:6.

Adopted.

HB 1524-FN, relative to the executive reorganization of the department of education.

Amendment (6704B)

Amend section 11 of the bill by replacing line 1 with the following:

11 Licenses for Vending Facilities. Amend RSA 186-B:12 to read

Amend section 19 of the bill by replacing line 3 with the following:

RSA 329:20-a to read as follows:

Amend RSA 200-C:1 as inserted by section 15 of the bill by replacing line 3 with the following:

the authority in writing, the [director] *administrator* of the [division] *bureau* of vocational

Amend section 21 of the bill by replacing line 5 with the following:

vocational rehabilitation": RSA 21-I:18, I(h); 200-C:2-3; the introductory

Adopted.

HB 1533, relative to the composition of the pesticide control board and relative to the definition of abutter for the purposes of rules adopted by the board.

Amendment (6716B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the composition of the pesticide control board.

Adopted.

HB 1566-FN, relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in organized places which are not organized for voting, relative to the declaration of intent form, relative to filing for a special election primary, relative to the party designation on ballots, relative to the board of claims, and relative to the appropriation to the board of auctioneers to fund continuing education.

Amendment (6684B)

Amend the bill by deleting section 15 and renumbering section 16 to read as 15.

Amend the bill by replacing section 15 with the following:

I. Sections 1-6 and 12-14 of this act shall take effect upon its passage.

II. Sections 7-10 of this act shall take effect as provided in section 14.

III. Section 11 of this act shall take effect May 23, 1994 at 12:01 a.m.

Adopted.

HB 1571-A, appropriating funds for the design and renovation of the Brown building, making a capital appropriation for the construction and furnishing of the Plymouth district courthouse, and relative to the capital appropriation for the fire standards and training dormitory.

Amendment (6719B)

Amend sections 3 and 4 of the bill by replacing them with the following:

3 Capital Appropriations; Total State Appropriation Increased. Amend 1993, 359:1, total state appropriation section 1, as amended by 1993, 360:7 and 1994, 204:3 to read as follows:

Total state appropriation section 1	[\$41,204,888]	\$47,204,888
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4 Bonds Authorized; Bonds Total Increased. Amend 1993, 359:9 as amended by 1993, 360:10 and 1994, 204:4 to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$63,816,888] **\$69,816,888** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Amend the bill by replacing all after section 7 with the following:

8 1994 Chapter Law Corrected. 1994, 204:3 and 4 are repealed and reenacted to read as follows:

204:3 1993 Total Reduced. 1993, 359:1, total state appropriation, as amended by 1993, 360:7 is repealed and reenacted to read as follows:

Total state appropriation section 1	\$41,204,888
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204:4 1993 Bonds Reduced. 1993, 359:9 as amended by 1993, 360:10 is repealed and re-enacted to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$63,816,888 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Effective Date.

I. Sections 1, 2, and 5-8 of this act shall take effect upon its passage.

II. Sections 3 and 4 of this act shall take effect one minute after its passage.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 260, 317, 389, 438, 451, 510, 531, 622, 639, 652, 656, 661, 1120, 1135, 1144, 1171, 1180, 1185, 1187, 1191, 1194, 1217, 1231, 1237, 1260, 1268, 1282, 1283, 1285, 1309, 1321, 1327, 1329, 1343, 1382, 1390, 1420, 1429, 1442, 1447, 1450, 1456, 1466, 1484, 1493, 1512, 1515, 1524, 1525, 1528, 1533, 1551, 1566, 1571, 1572, 1578 and 1580, and Senate Bills numbered 90, 225, 518, 523, 538, 580, 589, 592, 593, 625, 638, 644, 650, 655, 667, 670, 671, 672, 685, 688, 701, 709, 723, 740, 747, 753, 758, 760, 761, 763, 772, 774, 791, 792, 793, 794, 800, 805, 806, 807 and 809.

Rep. Dunn, Sen. Currier for the Committee

(Rep. Barbara Arnold in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 161, 178, 404, 414, 660, 1010, 1158, 1193, 1209, 1228, 1238, 1313, 1422, 1426 and 1586 and Senate Bills numbered 149, 508, 641, and 790.

Rep. Dunn, Sen. Currier for the Committee

Rep. Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 23

Wednesday, June 22, 1994

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill and the Honorable Executive Councilors, Raymond S. Burton, Robert C. Hayes, Ruth L. Griffin, Earl A. Rinker and Bernard A. Streeter, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of our lives, we thank You for the paths of service in which You have led us during these past months. We pray that You will bless the work of staff members and representatives so that by their labor and devotion, the land and people of New Hampshire will be served well for generations to come. Hold dear to our memory those no longer in our midst, but who continue to inspire and challenge us: Roger B. Larochelle, Margaret B. Terninko, Lowell D. Apple, Daniel P. Mc Nerney, Caroline L. Gross, Howard F. Mason, John O'Brien and James A. Chandler. And now inspire us, O God, with Your boundless energy and liberating love and grant us courage for the living of this day and all days in Your way and according to Your will. Amen.

Rep. Record led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Richard Soucy and Joan Kane, the day, illness.

Reps. Carter, Pfaff, Holden, Langer, Metzger, Chagnon, McIlwaine, Ziegra, Andrews, Lynch, Spear and Eaton, the day, important business.

INTRODUCTION OF GUESTS

Frederick and Tuckerman Armstrong Zeller, son-in-law and grandson of Rep. Lockwood. Melissa Drye, guest of Rep. Domini. John Callanan, guest of Reps. Malcolm and Hurst. Rep. Paul Lindsay, guest of Reps. Rubin and Malcolm. Klaus Dellert, David Grant and former Representative, Larry Elliott, guests of Rep. Sargent. Rudolph Slosek, guest of Rep. Vanderlosk. Vivian Desmarais and David Boutin, guests of Rep. Arnold. Steve Welbey and Kathy Spoto, guests of Rep. Owen. Charleen Kane and Maureen Jackson, daughters of Rep. Cecelia Kane. Ronald Bourque, guest of Rep. Kirby. Ben Doyle, guest of Rep. Burnham. Peggy Coulson, guest of Rep. Avery. The 4th grade classes from Whitman Park School in Dover, NH, guests of Rep. Marsha Pelletier. Pearl Martin and her granddaughters, guests of the Appropriations Committee. Dr. Judy Sullivan and 29 graduate nursing students from the University of New Hampshire, guests of Rep. Merritt. Olle Svensson, former member of the Swedish Parliament, guest of Rep. Flanagan.

SPECIAL GUESTS

Pipe Major Thomas Coulson, guest of Rep. Avery. Shannon Hastings, Miss New Hampshire, guest of Reps. Rodeschin, Peyron and Flint.

COMMUNICATIONS

June 3, 1994

Leo Callahan, Acting Clerk

I am writing to advise you that, effective today, I am resigning my seat in the House of Representatives from Hillsborough County, District 39 (Manchester-Ward 3).

I consider myself privileged to have served my constituents as a member of the Ways and Means Committee and have enjoyed working with you, your highly competent staff, and the other staff members serving the House. I look forward to serving the citizens of New Hampshire again in the future.

Rep. Alphonse O. Plourde

June 9, 1994

Harold W. Burns, Speaker

With regret, I must submit to you my resignation from the New Hampshire House of Representatives, District 24, Rockingham County, effective July 1, 1994.

My ten years serving my district has been a most rewarding experience. The issues that came before this committee over the ten years I was a member, vice chairman and chairman have given me an experience few men have been fortunate enough to have. My years serving under you, Mr. Speaker, and the friendship we have welded — from moose hunting to legislative duties — will be cherished in my heart and mind forever.

Wishing you, the leadership and your great staff many thanks.

Rep. Herbert R. Drake

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 531

June 8, 1994

To the Honorable Members of the General Court:

I hereby veto HB 531, an act prohibiting candidates from being named in more than one party designation on State primary and general election ballots. I take this action because HB 531 restricts voters' options in the ballot box.

For as long as New Hampshire has held primaries, a candidate has been eligible to appear as both the Republican and Democrat (and now Libertarian) nominee if they win the primary. Our citizens are familiar with this time-honored system, and opponents of the system can point to nothing that suggests it has produced unfair results. Sometimes we do not agree with how others vote, however, we should not deny their right to do so in a manner they both understand and endorse. The Secretary of State has so stated for many years.

This bill would undermine the electoral process at work by prohibiting voters from voting for the candidate of their choice. For example, under HB 531, if a candidate is running in a Democratic primary for State Representative and due to the candidate's popularity also won the Republican nomination on a write-in, his or her name would be stricken as the Republican nominee, even though that candidate legitimately won with more votes than other write-in candidates. This effectively disenfranchises voters and allows the other party to then appoint a nominee utilizing the customary procedure for filling open seats. The party apparatus should not overrule the voters, as this bill would permit.

To address legitimate concerns about potential ballot confusion, I recently signed HB 449, which changes the format of the ballot. This new law prohibits candidates who are nominated by more than one party from having their name printed on the ballot in more than one place. Thus, were a candidate to win the nomination of the Republican and Democratic party, his or her name would appear on the ballot only once, followed by an "r" and "d" to indicate multiple party nomination. While eliminating possible confusion generated when a name appears on the ballot several times, the voters' right to cast a primary vote for the candidate of their choice remains intact.

This bill, HB 531, creates a closed system and encourages an abuse of power by parties. Our current system assures that the maximum opportunity for choice by the voters will prevail.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 531**, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections, pass?

Rep. Phyllis Katsakiores spoke against.

Reps. Fenton, Gilmore and Lozeau spoke in favor.

As required by the Constitution, a roll call was taken.

YEAS 130 - NAYS 228**YEAS 130****BELKNAP**

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Richardson, Barbara

Burnham, Daniel
Kingsbury, H. Thayer
Riley, William

Champagne, Richard
McGuirk, Paul
Russell, Ronald

DePecol, Benjamin
Pratt, Irene

COOS

Bradley, Paula
Mears, Edgar

Harwell, Tyler
Wiswell, James

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Below, Clifton
Nordgren, Sharon

Copenhaver, Marion

Crory, Elizabeth

Guest, Robert

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Cepaitis, Elizabeth
Dykstra, Leona
Gervais, Glen
Johnson, Lionel
Lozeau, Donnalee
Nardi, Theodora
Smith, Leonard
Turgeon, Roland

Ahlgren, Madelyn
Bergeron, Lucien
Clemons, Jane
Fenton, James
Haettenschwiller, Alphonse
Kirby, Thomas
Messier, Irene
O'Rourke, Joanne
Soucy, Donna
Upton, Barbara

Allen, W. Gordon
Bergeron, Normand
Cote, David
Fields, Dennis
Holt, David
Laughlin, J. Francis
Morrisette, Roland
Philbrook, Paula
Stewart, Thomas
White, John

Asselin, Robert
Buckley, Raymond
Drabinowicz, A. Theresa
Foster, Linda
Jean, Claudette
Lessard, Rudy
Murphy, Robert
Reidy, Frank
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Johnson, Joyce May
Regan, Maurice
Trombly, Rick

Chandler, John
Fillion, Paul
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane

Coughlin, Anne
French, Barbara
Newland, Matthew
Shaw, Randall
Willis, Jack

Daneault, Gabriel
Gilbreth, Robert
Owen, Derek
Stapleton, Henry
Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Kane, Cecelia
Newman, Rick
Splaine, James
Sytek, John

Caswell, Albert, Jr.
Fesh, Robert
Kruse, Fred
O'Keefe, Patricia
St. Martin, Tommy
Vaughn, Charles

Clark, Martha
Flanagan, Natalie
Lee, Rebecca
Pantelakos, Laura
Syracusa, Anthony

Clark, Vivian
Groves, Bonnie
McGovern, Cynthia
Rosencrantz, James
Sytek, Donna

STRAFFORD

Brown, George
Hambrick, Patricia
Kincaid, William
McGrath, J. Gregory
Pelletier, Marsha
Torr, Ralph

Brown, Julie
Hashem, Elaine
Knowles, William
Merrill, Amanda
Rogers, Rose Marie
Vincent, Francis

Dunlap, Patricia
Hemon, Roland
Lundborn, Raymond
Merritt, Deborah
Snyder, Clair
Wheeler, Katherine

Gilmore, Gary
Keans, Sandra
McCann, William, Jr.
Pelletier, Arthur
Sullivan, Henry

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Palmer, Lorraine

NAYS 228**BELKNAP**

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.
Young, Niel

Cain, Thomas
Holbrook, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Johnson, Carl
Smith, Linda

Golden, Paul
Lafam, Robert
Turner, Robert

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Manning, Joseph
Robertson, Timothy

Cole, Stacey
McNamara, Wanda
Royce, H. Charles

Delano, Robert
Pearson, Gertrude
Smith, Edwin

Hunt, John
Perry, David
Young, David

COOS

Coulombe, Henry
Merrill, Gerald

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Ham, Bonnie
Rose, William
Wadsworth, Karen

Bean, Pamela
Chase, Paul, Jr.
Hill, Richard
Scanlan, David
Ward, Kathleen

Brown, Alson
Driscoll, William
LaMott, Paul
Teschner, Douglass
White, Paul

Brown, Channing
Gordon, Edward
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
Burke, M. Virginia
Crotty, Edward
Dodge, Emma
Emerton, Lawrence, Sr.
Gosselin, Gerald
Hart, Nick
Jasper, Shawn
Kurk, Neal
Lown, Elizabeth
Mercer, Robert
Moore, Elizabeth
Paquette, Rodolphe
Record, Alice
Rothhaus, Finlay
Sullens, Joan
Wells, Peter, Sr.

Amidon, Eleanor
Calawa, Leon, Jr.
Daigle, Robert
Drolet, Paul
Ferguson, Charles
Greenberg, Gary
Healy, Daniel
Jean, Loren
L'Heureux, Robert
Martin, Mary Ellen
Milligan, Robert
Morello, Michael
Pepino, Leo
Rheault, Lillian
Sallada, Roland
Tate, Joan
Wheeler, Robert

Arnold, Barbara
Chabot, Robert
Daniels, Gary
Durham, Susan
Franks, Suzan
Hall, Betty
Holley, Sylvia
Kelley, Dana
Lachut, Ervin
McCart, Winston
Mittelman, David
O'Hearn, Jane
Perkins, Paul
Riley, Frances
Sargent, Maxwell
Vanderlosk, Stanley
Wright, George

Arnold, Thomas, Jr.
Cowenhoven, Garret
Desrosiers, William
Dyer, Merton
Gagnon, Eugene
Hanselman, Gregory
Hunter, Bruce
Kelley, Robert
Lefebvre, Roland
McRae, Karen
Moncrief, Keith
Packard, Bonnie
Peters, Stanley
Rodgers, G. Philip
Searles, Stanley, Jr.
Weergang, Alida

MERRIMACK

Barberia, Richard
Hager, Elizabeth
Kennedy, Richard
Nichols, Avis
Whittemore, James

Buessing, Marjorie
Hess, David
Kidder, William
Teague, Bert

Chandler, Earle
Houlahan, Thomas
Lockwood, Robert
Weeks, John, Jr.

Feuerstein, Martin
Johnson, C. William
Mitchell, Vernon
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Case, Margaret
Cote, Patricia
Drake, Herbert
Flanders, John, Sr.
Hazelton, Robert
Johnson, Robert

Arndt, Janet
Boucher, William
Chester, Sherman
Crossman, Harold, Jr.
Dube, LeRoy
Gage, Beverly
Hemenway, Thomas
Katsakiores, George

Battles, Marjorie
Bove, Martin
Conroy, Janet
Crum, William, Jr.
Felch, Charles, Sr.
Gargiulo, Louis
Hurst, Sharleene
Katsakiores, Phyllis

Beaulieu, Jon
Campbell, Marilyn
Cote, Charles
Dowd, Sandra
Flanders, David
Gorman, Donald
Hutchinson, Karen
Klemarczyk, Thaddeus

Klemm, Arthur, Jr.	Lovejoy, Marian	MacDonald, Maurice	Malcolm, Kenneth
McKinney, Betsy	Miller, Don	Moore, Benjamin	Noyes, Richard
Packard, Sherman	Pratt, Katharin	Pullman, Robert	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ritzo, Eugene	Rubin, George
Schanda, Joseph, Sr.	Senter, Marilyn	Skinner, Patricia	Smith, Arthur
Stone, Joseph	Stitch, C. Donald	Warburton, Calvin	Welch, David
Weyler, Kenneth	Williamson, William	Woods, Deborah	Yennaco, Carol

STRAFFORD

Callaghan, Frank	Douglass, Clyde	Hilliard, Dana	Loder, Suzanne
McKinley, Robert	Musler, George	Nehring, William	Pageotte, Donald
Torr, Ann	Torr, Franklin	Wall, Janet	Wasson, Richard

SULLIVAN

Behrens, Thomas	Domini, Irene	Flint, Gordon	Holl, Ann
Lindblade, Eric	Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle
Stamatakis, Carol			

and lacking the necessary two-thirds, the veto was sustained.
Rep. Langer wished to be recorded against.

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 652

June 10, 1994

To the Honorable Members of the General Court:

I hereby veto HB 652-FN, an act relative to State fees. I support the concept of fee reform but I cannot support this bill.

The confusion and adverse consequences of this bill will cost the State millions of dollars and force us to enact new taxes to replace lost revenue. This bill also removes from the Legislature the decision-making power to determine between a tax and a fee and ultimately transfers that power to the New Hampshire court system. I do not favor litigation over legislation in revolving issues of taxes and fees.

The legislation states that "as a general rule", fees should cover only the reasonable direct and indirect costs of a regulatory program. I agree. This bill goes beyond the general rule and imposes impossible constraints in carrying out the State's statutory obligations.

This bill does not streamline the fee-making process, it makes it more confusing and shifts decision-making to the courts. This bill creates an insurmountable obstacle for the Legislative Budget Assistant and will give plaintiff lawyers in this State an open door to challenge legislative decisions on "What is a fee?", "What is a tax?" and "What does the term 'reasonably related costs' mean?"

The case of American Automobile Association v. State of New Hampshire makes this point, "the distinction between a tax and a license fee is often difficult to determine because each partakes to some extent the characteristics of the other." This underscores the confusion that will follow from the enactment of this legislation.

This bill will produce significant revenue loss due to uncertainties in the calculation of what reasonably related costs of a given program will be, and the impossibility of projecting revenue under this new formula. It will be impossible under this new formula for an agency and the Legislative Budget Assistant to ascertain the full extent of direct and indirect costs of a program. Because the reasonable costs must not include "any Federal funds or other revenue", it will also be necessary to determine the anticipated income in any given year from the Federal government and from any other revenue source. It is impossible to perform this analysis with great precision, making fiscal predictions difficult. Therefore, this bill will unintentionally have the effect of placing even more uncertainty into the revenue projection process.

Current New Hampshire law already provides the safeguards that this bill seeks. First, the fiscal impact of proposed fees and fee increases are required for any proposed bill or for any proposed rule. Second, the New Hampshire Constitution already places limitations on the State's ability to assess fees. The New Hampshire Supreme Court has established the firm principle that license fees cannot "clearly and materially exceed the direct and incidental costs of licensing." American Automobile Association v. State, 136 NH 579, 585 (1992).

With that legal principle already in place, the Legislature can now determine the appropriateness or excessiveness of any specific fee and take appropriate action. This bill does not do so. It creates an unmanageable new formula that will invite litigation and slow down orderly government.

This bill does not reduce excessive fees. It will increase costs to State government. State agencies and the LBA will spend countless hours making these new calculations. This bill adds a new layer of bureaucracy at a time when we are introducing Total Quality Management, cutting regulations and attempting to streamline State government. For these reasons, I must veto this measure.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 652**, relative to state fee reform, pass?

Reps. Hager and Lamott spoke against.

Reps. Teschner, Joyce Johnson and Donna Sytek spoke in favor.

As required by the Constitution, a roll call was taken.

YEAS 204 - NAYS 157

YEAS 204

BELKNAP

Campbell, Richard, Jr.	Holbrook, Robert	Laffam, Robert
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CARROLL

Bradley, Jeb	Chandler, Gene	Lyman, L. Randy	Philbrick, Donald
Saunders, Howard			

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Cole, Stacey	DePecol, Benjamin	Foster, Katherine	Kingsbury, H. Thayer
Manning, Joseph	McGuirk, Paul	Perry, David	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Young, David		

COOS

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar	Wiswell, James		

GRAFTON

Adams, Carl	Below, Clifton	Chase, Paul, Jr.	Copenhaver, Marion
Crory, Elizabeth	Guest, Robert	Ham, Bonnie	Larson, Nils, Jr.
Nordgren, Sharon	Scanlan, David	Teschner, Douglass	Trelfa, Richard
Wadsworth, Karen			

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Amidon, Eleanor
Asselin, Robert	Bagley, Amy	Bergeron, Lucien	Bergeron, Normand
Buckley, Raymond	Cepaitis, Elizabeth	Clemons, Jane	Cote, David
Cowenhoven, Garret	Crotty, Edward	Daigle, Robert	Drabinowicz, A. Theresa
Dyer, Merton	Ferguson, Charles	Fields, Dennis	Foster, Linda
Franks, Suzan	Gervais, Glen	Gosselin, Gerald	Haettenschwiller, Alphonse
Hall, Betty	Hanselman, Gregory	Hart, Nick	Jean, Claudette
Johnson, Lionel	Kirby, Thomas	Kurk, Neal	Lachut, Ervin
Laughlin, J. Francis	Lefebvre, Roland	Lessard, Rudy	Lown, Elizabeth
Lozeau, Donnalee	Martin, Mary Ellen	Mercer, Robert	Messier, Irene
Moncrief, Keith	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Rourke, Joanne	Packard, Bonnie	Perkins, Paul	Philbrook, Paula
Reidy, Frank	Rothhaus, Finlay	Sallada, Roland	Sargent, Maxwell
Soucy, Donna	Stewart, Thomas	Sullens, Joan	Toomey, Kathryn
Upton, Barbara	Vanderlosk, Stanley	Weergang, Alida	Wheeler, Robert
White, John			

MERRIMACK

Braiterman, Thea	Chandler, Earle	Chandler, John	Coughlin, Anne
Daneault, Gabriel	Dunn, Miriam	Feuerstein, Martin	Fillion, Paul
French, Barbara	Hess, David	Holmes, Mary	Houlahan, Thomas
Johnson, C. William	Johnson, Joyce May	Lockwood, Robert	Moore, Carol
Newland, Matthew	Nichols, Avis	Owen, Derek	Regan, Maurice
Rogers, Katherine	Stapleton, Henry	Trombly, Rick	Wallner, Mary Jane
Ward, Jay	Weeks, John, Jr.	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn	Bell, Juanita	Campbell, Marilyn	Case, Margaret
Caswell, Albert, Jr.	Clark, Martha	Clark, Vivian	Coes, Betsy
Conroy, Janet	Crum, William, Jr.	Fesh, Robert	Flanagan, Natalie
Groves, Bonnie	Hurst, Sharleene	Hutchinson, Karen	Kane, Cecelia
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Lovejoy, Marian
McGovern, Cynthia	Newman, Rick	O'Keefe, Patricia	Pantelakos, Laura
Pratt, Katharin	Pullman, Robert	Raynowska, Bernard	Richards, David
Rosencrantz, James	Skinner, Patricia	Splaine, James	St. Martin, Tommy
Syracusa, Anthony	Sytek, Donna	Sytek, John	Vaughn, Charles
Welch, David	Weyler, Kenneth		

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Gilmore, Gary
Hambrick, Patricia	Hashem, Elaine	Hemon, Roland	Kincaid, William
Knowles, William	Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.
McGrath, J. Gregory	Merrill, Amanda	Merritt, Deborah	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Snyder, Clair
Sullivan, Henry	Torr, Ralph	Vincent, Francis	Wall, Janet
Wheeler, Katherine			

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Holl, Ann	Palmer, Lorraine	Schotanus, Merle	

NAYS 157**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Golden, Paul	Hauck, William
Johnson, Carl	Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph
Smith, Linda	Turner, Robert	Young, Niel	

CARROLL

Allard, Nanci	Beach, Mildred	Cogswell, Richard	Dickinson, Howard, Jr.
Foster, Robert	Mock, Henry	Wiggin, Allen	Wiggin, Gordon

CHESHIRE

Delano, Robert	Hunt, John	McNamara, Wanda	Pearson, Gertrude
Smith, Edwin			

COOS

Foss, Frederic	Guay, Lawrence	Harwell, Tyler	Horton, Lynn
Merrill, Gerald	Pratt, Leighton		

GRAFTON

Bean, Pamela	Brown, Alson	Brown, Channing	Brown, Patricia
Driscoll, William	Gordon, Edward	Hill, Richard	LaMott, Paul
Rose, William	Ward, Kathleen	White, Paul	

HILLSBOROUGH

Ahrens, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.	Borsa, Andrew
Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert
Daniels, Gary	Desrosiers, William	Dodge, Emma	Drolet, Paul
Durham, Susan	Dykstra, Leona	Emerton, Lawrence, Sr.	Fenton, James
Gagnon, Eugene	Greenberg, Gary	Healy, Daniel	Holley, Sylvia
Holt, David	Hunter, Bruce	Jasper, Shawn	Jean, Loren
Kelley, Dana	Kelley, Robert	L'Heureux, Robert	McCarty, Winston
McRae, Karen	Milligan, Robert	Mittelman, David	Moore, Elizabeth
Morello, Michael	O'Hearn, Jane	Paquette, Rodolphe	Pepino, Leo
Peters, Stanley	Record, Alice	Rheault, Lillian	Riley, Frances
Rodgers, G. Philip	Searles, Stanley, Sr.	Smith, Leonard	Tate, Joan
Turgeon, Roland	Wells, Peter, Sr.	Wright, George	

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Gilbreth, Robert	Hager, Elizabeth
Kennedy, Richard	Kidder, William	Mitchell, Vernon	Shaw, Randall
Teague, Bert	Whalley, Michael	Willis, Jack	

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Beaulieu, Jon	Blake, Daniel
Boucher, William	Bove, Martin	Chester, Sherman	Cote, Charles
Cote, Patricia	Crossman, Harold, Jr.	Dowd, Sandra	Drake, Herbert
Dube, LeRoy	Felch, Charles, Sr.	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Gargiulo, Louis	Gorman, Donald	Hazelton, Robert
Hemenway, Thomas	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemarczyk, Thaddeus	MacDonald, Maurice	Malcolm, Kenneth	McKinney, Betsy
Miller, Don	Moore, Benjamin	Noyes, Richard	Packard, Sherman
Putnam, Ed, II	Ritzo, Eugene	Rubin, George	Senter, Marilyn
Smith, Arthur	Stone, Joseph	Stritch, C. Donald	Warburton, Calvin
Williamson, William	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Douglass, Clyde	Dunlap, Patricia	Keans, Sandra	McKinley, Robert
Nehring, William	Pageotte, Donald	Torr, Ann	Torr, Franklin
Wasson, Richard			

SULLIVAN

Domini, Irene	Flint, Gordon	Lindblade, Eric	Peyron, Fredrik
Rodeschin, Beverly	Stamatakis, Carol		

and lacking the necessary two-thirds, the veto was sustained.
Rep. Langer wished to be recorded against.

REMARKS

Rep. Lockwood moved that the remarks made by Leo Callahan, Acting Clerk, be printed in the Journal.

Adopted.

Thank you very much Mr. Speaker. I wanted to take this opportunity to share with everyone a decision I have recently made, and that decision is not to stand for Clerk and to stand for Assistant Clerk. I just wanted to take a minute to share with you the reasons behind that. It was not a very easy decision for me to reach. I weighed it long and hard before I ultimately did reach that decision. One of the precepts I have tried to live my life by is that above all other things, unto thine ownself be true. And the truth is I want to be Assistant Clerk. I have several reasons for that. They are very important to me. The job of Assistant Clerk has been very important to me. I have been in that position for ten years. When the electronic amending was developed a few years ago, I had a serious amount of input in that. That was a major

step in the legislative process. In the course of that input and in the course of executing that job, I have developed a sense of paternity over the years. If I am the Clerk, I have to give that up and I don't want to give that up. Another important factor is that when Jimmy was alive I thought it was very important that I be his right-hand man and that I made sure when we came to the floor there were never any problems. Whenever, in the heat of battle, he needed to know something, he could turn to me and say, "Leo what about ...?" and I would say, "Jim, this is the way it is." He never had to worry coming to the floor. All he needed to worry about was the Speaker and making sure that the communication line between him and the Speaker was not clogged with all of the stuff that happens on the floor in the course of a session day. That is very important to me. Fame and fortune have never motivated me. I have always been motivated by the job. That has been central to any job I have ever had and I had quite a few prior to coming here. I really don't want to give up what I enjoy doing and I don't want to give up what I do well. I have always counted myself as a better-than-average Assistant Clerk. To give all of that up, simply stated, is not really what I want to do. When I expressed this to the Speaker and the leadership team, the reaction was one of disappointment. I can appreciate the disappointment because it means that Leadership is supporting me. But, I am, nonetheless, firm in my position. One of the things the Speaker expressed to me at that time, in addition to his great disappointment, was, "Who will be Clerk?" I told him that I had a person in mind. I gave him my reasons for why I think that person should be the Clerk. The Speaker was very kind and he gave me carte blanche to pursue that because the Speaker was concerned that the Clerk's office not be upset. He was very concerned, as was the rest of the leadership team, that the Clerk be someone I could work with and someone the four women in our office could work with. We have a wonderful reputation in the Clerk's office. One for efficiency and being able to produce what you need when it needs to be produced. We don't want to jeopardize that. The person I had in mind is the person I approached and that person has assented to stand for Clerk. That person is Representative Karen Wadsworth. I see this union as a team of two. In our lifetimes we have seen many great teams. There have been Fred and Ginger, Frick and Frack and the ever-popular ham and cheese. I really see us as standing as a team. What I want to do right now is ask you, when the time comes, for your support of this team. Not your support of me but of a team. I am one half of a team. That is critical to the Clerk's operation. When the time comes on Caucus day and Organization day when you will be asked to consider that, I would like very much to have you think about the words that I am speaking now; those are that it was my decision. Please respect that and look at us as a team. I can guarantee that as a team we will stand ready to serve you as the House Clerk's office has always served. Thank you very much for all of your support. You have been overwhelmingly supportive of me as the Acting Clerk and you have no way of knowing how much I truly appreciate that. I have mentioned before of there being a great sense of family in this chamber and I have felt that from the day Jimmy died right up to the present. I say to you, thank you my family. Thank you very much.

RECESS

(Speaker Burns in the Chair)

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1225

May 23, 1994

To The Honorable Members of the General Court:

I have this day vetoed House Bill 1225, the so-called abortion clinic access bill.

Violence and threats should be deplored by all, while free speech remains intact. Under our court system of justice, any measure that affects constitutional rights must be narrowly drafted and this bill fails in that regard.

This bill has also been overtaken by events, specifically the fact that the Congress just last week passed a similar bill, the Freedom of Access to Clinic Entrances Act of 1993. The Federal Clinic Access Act states that it is intended to assure freedom of access to reproductive services, it is more narrowly drafted to meet constitutional restrictions. The Federal Act does not attempt to control constitutionally protected behavior, nor to define prohibited activity in the manner that has been done in House Bill 1225. It is because of the broad nature of the definitions in this bill that it fails to meet constitutional guidelines. United States Supreme Court decisions make it clear that it is extremely difficult to pass such laws without violating constitutional protections.

Significant controversy exists around the constitutionality of laws and court-ordered injunctions that attempt to guarantee access to health care facilities. In fact, the U.S. Supreme Court will soon consider whether a court-ordered injunction prohibiting Operation Rescue from demonstrating within a buffer zone around an abortion clinic violates the First Amendment right to free speech. The Court's impending decision may affect the constitutionality of the Federal Act and will certainly impact clinic access measures enacted in the states.

Let me provide an example of one of the provisions in House Bill 1225 that goes beyond its stated purpose. That section prohibits a person from engaging "in a course of verbal or physical intimidation" intended to discourage the individual from obtaining or refusing lawful medical services. "Course of verbal or physical intimidation" is defined as "a pattern of conduct composed of acts on more than one occasion over a period of time." Since this definition may include completely legal behavior, this broad language does not provide the necessary notice required by the Constitution to inform citizens of which conduct may form the basis for a criminal charge. Rather than respecting the rights of citizens, the bill appears intended to intimidate citizens into foregoing their protected rights of expression.

A broad or vague law which lacks constitutionally required precision and which leaves police with a law that is impossible to enforce is invalid. This bill attempts to cure this infirmity by including language that reaffirms everyone's constitutional right to free speech. However, the courts have made it clear that such language does not by itself cure a statute or its application if the law is constitutionally defective.

The exercise of free speech in American society is often neither tidy nor pretty. From anti-war demonstrators to the American Nazi Party, from Greenpeace to Operation Rescue, our courts have consistently upheld the right of diverse, and even antagonistic, groups to hotly debate issues in the public arena. Our constitutional safeguards are sacred and Courts and Legislatures alike long ago decided that the forum for resolving those issues is the marketplace of ideas, not restrictive statutes.

House Bill 1225 forbids individuals from interfering with access to health care facilities by making it a crime to use force or threats to discourage the provision of medical services, or to engage in a course of verbal or physical intimidation which is intended to prevent individuals from participating in the provision of lawful medical services. These measures are unnecessary, since many sections of the New Hampshire criminal code already prohibit the conduct targeted by these sections.

In addition, awaiting my approval is a measure that is intended to expand existing prohibitions against criminal threatening and harassment. The proponents of House Bill 1225 want to go even further and specifically prohibit activity around abortion clinics and health care facilities that perform abortions. As indicated, any such prohibitions must be narrowly drafted or they will violate constitutional Due Process considerations of vagueness and overbreadth.

As Governor, I have often said that threats, harassment and other criminal behavior will not be condoned — no matter where they take place. Those who decide to express their views by protesting unlawfully recognize that they will be punished in accordance with criminal penalties already in place. Additional legislation should be enacted only if a need is demonstrated and the law is then drafted in compliance with constitutional mandates.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1225**, relative to access to medical care, pass?

Reps. Cogswell and Vivian Clark spoke against and yielded to questions.

Rep. Groves spoke in favor.

Reps. Daniels and Donna Sytek spoke against.

Rep. Gordon spoke in favor and yielded to questions.

As required by the Constitution, a roll call was taken.

YEAS 174 NAYS 184

YEAS 174

BELKNAP

Salatiello, Thomas

Smith, Linda

CARROLL

Bradley, Jeb

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Foster, Katherine	Hunt, John	Kingsbury, H. Thayer	Manning, Joseph
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	

COOS

Bradley, Paula	Harwell, Tyler	Hawkinson, Marie	Horton, Lynn
Mayhew, Josephine	Mears, Edgar	Wiswell, James	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Patricia
Copenhaver, Marion	Crory, Elizabeth	Gordon, Edward	Guest, Robert
Ham, Bonnie	Larson, Nils, Jr.	Nordgren, Sharon	Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard	Bagley, Amy	Buckley, Raymond	Cepaitis, Elizabeth
Clemons, Jane	Cote, David	Cowenhoven, Garret	Crotty, Edward
Durham, Susan	Dwyer, Patricia	Dykstra, Leona	Foster, Linda
Franks, Suzan	Gervais, Glen	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Hart, Nick	Holt, David	Holt, Mark
Johnson, Lionel	Kurk, Neal	Lachut, Ervin	Laughlin, J. Francis
Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee	Messier, Irene
Moore, Elizabeth	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Hearn, Jane	O'Rourke, Joanne	Perkins, Paul	Philbrook, Paula
Record, Alice	Reidy, Frank	Sargent, Maxwell	Smith, Leonard
Soucy, Donna	Stewart, Thomas	Sullens, Joan	Tate, Joan
Toomey, Kathryn	Upton, Barbara	Weergang, Alida	

MERRIMACK

Braiterman, Thea	Coughlin, Anne	Dunn, Miriam	Feuerstein, Martin
Fillion, Paul	French, Barbara	Hager, Elizabeth	Johnson, C. William
Johnson, Joyce May	Lockwood, Robert	Moore, Carol	Newland, Matthew
Owen, Derek	Regan, Maurice	Rogers, Katherine	Shaw, Randall
Teague, Bert	Trombly, Rick	Wallner, Mary Jane	Weeks, John, Jr.
Whalley, Michael	Yeaton, Charles		

ROCKINGHAM

Battles, Marjorie	Bell, Juanita	Campbell, Marilyn	Case, Margaret
Caswell, Albert, Jr.	Clark, Martha	Coes, Betsy	Conroy, Janet
Flanagan, Natalie	Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis
Groves, Bonnie	Hurst, Sharleene	Hutchinson, Karen	Kane, Cecelia
Kruse, Fred	Lee, Rebecca	MacDonald, Maurice	McGovern, Cynthia
McKinney, Betsy	Newman, Rick	O'Keefe, Patricia	Pantelakos, Laura
Pratt, Katharin	Rosencrantz, James	Rubin, George	Schanda, Joseph, Sr.
Senter, Marilyn	Skinner, Patricia	St. Martin, Tommy	Syracusa, Anthony
Vaughn, Charles	Woods, Deborah		

STRAFFORD

Brown, George	Brown, Julie	Dunlap, Patricia	Gilmore, Gary
Hambrick, Patricia	Hashem, Elaine	Hemon, Roland	Hilliard, Dana
Keans, Sandra	Kincaid, William	Knowles, William	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah
Musler, George	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Snyder, Clair	Sullivan, Henry	Vincent, Francis	Wall, Janet
Wheeler, Katherine			

SULLIVAN

Allison, David
Lindblade, Eric
Stamatakis, Carol

Burling, Peter
Palmer, Lorraine

Cloutier, John
Peyron, Fredrik

Holl, Ann
Schotanus, Merle

NAYS 184**BELKNAP**

Bartlett, Gordon
Golden, Paul
Laflam, Robert
Turner, Robert

Cain, Thomas
Hauck, William
Lawton, David
Young, Niel

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Foster, Robert
Saunders, Howard

Beach, Mildred
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Mock, Henry

Cogswell, Richard
Philbrick, Donald

CHESHIRE

Avery, Stephen
Perry, David

Cole, Stacey
Smith, Edwin

Delano, Robert
Young, David

McNamara, Wanda

COOS

Coulombe, Henry
Pratt, Leighton

Foss, Frederic

Guay, Lawrence

Merrill, Gerald

GRAFTON

Brown, Alson
Hill, Richard
Trelfa, Richard

Brown, Channing
LaMott, Paul
Ward, Kathleen

Chase, Paul, Jr.
Rose, William
White, Paul

Driscoll, William
Scanlan, David

HILLSBOROUGH

Ahlgren, Madelyn
Arnold, Thomas, Jr.
Bowers, Dorothy
Daniels, Gary
Drolet, Paul
Ferguson, Charles
Greenberg, Gary
Jasper, Shawn
Kelley, Robert
Lefebvre, Roland
Mercer, Robert
Morello, Michael
Peters, Stanley
Rothhaus, Finlay
Vanderlosk, Stanley
Wright, George

Ahrens, Frederick
Bergeron, Lucien
Burke, M. Virginia
Desrosiers, William
Dyer, Merton
Fields, Dennis
Healy, Daniel
Jean, Claudette
Kirby, Thomas
Martin, Mary Ellen
Milligan, Robert
Packard, Bonnie
Rheault, Lillian
Sallada, Roland
Wells, Peter, Sr.

Amidon, Eleanor
Bergeron, Normand
Calawa, Leon, Jr.
Dodge, Emma
Emerton, Lawrence, Sr.
Gagnon, Eugene
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
McCarty, Winston
Mittelman, David
Paquette, Rodolphe
Riley, Frances
Searles, Stanley, Sr.
Wheeler, Robert

Arnold, Barbara
Borsa, Andrew
Chabot, Robert
Drabinowicz, A. Theresa
Fenton, James
Gosselin, Gerald
Hunter, Bruce
Kelley, Dana
Leclerc, Charles
McRae, Karen
Moncrief, Keith
Pepino, Leo
Rodgers, G. Philip
Turgeon, Roland
White, John

MERRIMACK

Barberia, Richard
Daneault, Gabriel
Kennedy, Richard
Stapleton, Henry

Buessing, Marjorie
Gilbreth, Robert
Kidder, William
Whittemore, James

Chandler, Earle
Holmes, Mary
Mitchell, Vernon
Willis, Jack

Chandler, John
Houlahan, Thomas
Nichols, Avis

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William

Arndt, Janet
Bove, Martin

Beaulieu, Jon
Chester, Sherman

Blake, Daniel
Christie, Andrew, Jr.

Clark, Vivian
Crum, William, Jr.
Felch, Charles, Sr.
Hazleton, Robert
Katsakiores, Phyllis
Malcolm, Kenneth
Packard, Sherman
Richards, David
Stritch, C. Donald
Welch, David

Cote, Charles
Dowd, Sandra
Fesh, Robert
Hemenway, Thomas
Klemarczyk, Thaddeus
Miller, Don
Pullman, Robert
Ritzo, Eugene
Sytek, Donna
Weyler, Kenneth

Cote, Patricia
Drake, Herbert
Flanders, David
Johnson, Robert
Klemm, Arthur, Jr.
Moore, Benjamin
Putnam, Ed, II
Smith, Arthur
Sytek, John
Williamson, William

Crossman, Harold, Jr.
Dube, LeRoy
Gorman, Donald
Katsakiores, George
Lovejoy, Marian
Noyes, Richard
Raynowska, Bernard
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

STRAFFORD

Callaghan, Frank
Pageotte, Donald
Wasson, Richard

Douglass, Clyde
Torr, Ann

McKinley, Robert
Torr, Franklin

Nehring, William
Torr, Ralph

SULLIVAN

Behrens, Thomas

Domini, Irene

Flint, Gordon

Rodeschin, Beverly

and lacking the necessary two-thirds, the veto was sustained.
Rep. Langer wished to be recorded against.

(Rep. Cole in the Chair)

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1237

June 10, 1994

To The Honorable Members of the General Court:

I hereby veto HB 1237, an act adding probation and parole officers to the definition of "permanent policeman" for the purposes of group II membership.

Group II retirement benefits were originally intended for those police officers and firefighters who risk their lives on a regular basis in the line of duty. Group II retirement was considered a recognition of the hazardous and perilous state of their daily occupation. Since that time others have been added to group II and now I am asked to approve adding yet another group, parole and probation officers.

However, it was originally conceived that those qualifying for group II retirement benefits would have been certified as police officers. Parole and probation officers would of necessity receive a different and less stringent form of certification.

Probation and parole officers are not included in the Federal group II retirement system. In New Hampshire, group II officers qualify for full benefits after twenty (20) years of service. They can begin to collect those benefits at age 45. In contrast, group I must have thirty (30) years of service and must reach age 60 for full benefits.

We should study those law enforcement related groups remaining outside of group II to determine the appropriateness of their membership in group II. In addition to parole and probation officers, those who seek admission include bingo inspectors, child protection service workers, juvenile service officers, laboratory technicians and communications specialists in the Department of Safety, among other.

I am concerned about the impact that additional groups will have upon the group II retirement system. This bill was not considered in the normal course of legislation but was added as an amendment to another piece of legislation.

Under these circumstances, I cannot support this bill in its present form.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1237**, relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime, pass?

Reps. Gorman, Boucher and Ward spoke against.

(Speaker Burns in the Chair)

Rep. Knowles and Donna Sytek spoke in favor.

Rep. Richard Campbell spoke in favor and yielded to questions.
As required by the Constitution, a roll call was taken.

YEAS 160 - NAYS 195**YEAS 160****BELKNAP**

Campbell, Richard, Jr.	Hauck, William	Salatiello, Thomas	Turner, Robert
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CARROLL

None

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Foster, Katherine	Kingsbury, H. Thayer	McGuirk, Paul	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	

COOS

Bradley, Paula	Coulombe, Henry	Harwell, Tyler	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar	Wiswell, James	

GRAFTON

Adams, Carl	Below, Clifton	Chase, Paul, Jr.	Copenhaver, Marion
Crory, Elizabeth	Guest, Robert	Hill, Richard	LaMott, Paul
Nordgren, Sharon			

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Asselin, Robert
Bagley, Amy	Bergeron, Lucien	Buckley, Raymond	Cepaitis, Elizabeth
Clemons, Jane	Cote, David	Crotty, Edward	Drabinowicz, A. Theresa
Dwyer, Patricia	Emerton, Lawrence, Sr.	Ferguson, Charles	Fields, Dennis
Foster, Linda	Franks, Suzan	Gervais, Glen	Gosselin, Gerald
Haettenschwiller, Alphonse	Hall, Betty	Hanselman, Gregory	Hart, Nick
Holt, David	Jean, Claudette	Johnson, Lionel	Kirby, Thomas
Laughlin, J. Francis	Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee
Messier, Irene	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Rourke, Joanne	Paquette, Rodolphe	Pepino, Leo	Perkins, Paul
Philbrook, Paula	Reidy, Frank	Sargent, Maxwell	Smith, Leonard
Soucy, Donna	Stewart, Thomas	Toomey, Kathryn	Turgeon, Roland
White, John			

MERRIMACK

Braiterman, Thea	Coughlin, Anne	Daneault, Gabriel	Dunn, Miriam
Fillion, Paul	French, Barbara	Houlahan, Thomas	Johnson, C. William
Johnson, Joyce May	Lockwood, Robert	Mitchell, Vernon	Moore, Carol
Newland, Matthew	Owen, Derek	Regan, Maurice	Rogers, Katherine
Shaw, Randall	Teague, Bert	Trombly, Rick	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Bell, Juanita	Caswell, Albert, Jr.	Chester, Sherman	Christie, Andrew, Jr.
Clark, Martha	Clark, Vivian	Coes, Betsy	Flanders, John, Sr.
Hurst, Sharleene	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Klemarczyk, Thaddeus	Lee, Rebecca	Lovejoy, Marian	MacDonald, Maurice
McGovern, Cynthia	McKinney, Betsy	Newman, Rick	O'Keefe, Patricia
Pantelakos, Laura	Pratt, Katharin	Richards, David	Rosencrantz, James
Schanda, Joseph, Sr.	St. Martin, Tommy	Syracusa, Anthony	Sytek, Donna
Sytek, John	Vaughn, Charles	Welch, David	

STRAFFORD

Brown, George
Hemon, Roland
Lundborn, Raymond
Nehring, William
Snyder, Clair

Brown, Julie
Hilliard, Dana
McCann, William, Jr.
Pelletier, Arthur
Sullivan, Henry

Gilmore, Gary
Knowles, William
Merrill, Amanda
Pelletier, Marsha
Torr, Ann

Hambrick, Patricia
Loder, Suzanne
Merritt, Deborah
Rogers, Rose Marie
Wheeler, Katherine

SULLIVAN

Allison, David
Holl, Ann

Behrens, Thomas
Palmer, Lorraine

Burling, Peter
Schotanus, Merle

Cloutier, John
Stamatakis, Carol

NAYS 195**BELKNAP**

Bartlett, Gordon
Holbrook, Robert
Rice, Thomas, Jr.

Cain, Thomas
Johnson, Carl
Rosen, Ralph

Dewhirst, Glenn
Lafam, Robert
Smith, Linda

Golden, Paul
Lawton, David
Young, Niel

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Gordon

Chandler, Gene
Lyman, L. Randy

CHESHIRE

Avery, Stephen
Manning, Joseph
Smith, Edwin

Cole, Stacey
McNamara, Wanda
Young, David

Delano, Robert
Perry, David

Hunt, John
Royce, H. Charles

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Bean, Pamela
Gordon, Edward
Scanlan, David
White, Paul

Brown, Alson
Ham, Bonnie
Trelfa, Richard

Brown, Channing
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Patricia
Rose, William
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
Bergeron, Normand
Calawa, Leon, Jr.
Desrosiers, William
Dykstra, Leona
Healy, Daniel
Jasper, Shawn
Kurk, Neal
Martin, Mary Ellen
Milligan, Robert
Morello, Michael
Record, Alice
Rothhaus, Finlay
Tate, Joan
Wells, Peter, Sr.

Amidon, Eleanor
Borsa, Andrew
Chabot, Robert
Dodge, Emma
Fenton, James
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
McCarty, Winston
Mittelman, David
O'Hearn, Jane
Rheault, Lillian
Sallada, Roland
Upton, Barbara
Wheeler, Robert

Arnold, Barbara
Bowers, Dorothy
Cowenhoven, Garret
Drolet, Paul
Gagnon, Eugene
Holt, Mark
Kelley, Dana
Lachut, Ervin
McRae, Karen
Moncrief, Keith
Packard, Bonnie
Riley, Frances
Searles, Stanley, Sr.
Vanderlosk, Stanley
Wright, George

Arnold, Thomas, Jr.
Burke, M. Virginia
Daniels, Gary
Durham, Susan
Greenberg, Gary
Hunter, Bruce
Kelley, Robert
Lefebvre, Roland
Mercer, Robert
Moore, Elizabeth
Peters, Stanley
Rodgers, G. Philip
Sullens, Joan
Weergang, Alida

MERRIMACK

Barberia, Richard
Feuerstein, Martin

Buessing, Marjorie
Gilbreth, Robert

Chandler, Earle
Hager, Elizabeth

Chandler, John
Holmes, Mary

Kennedy, Richard
Weeks, John, Jr.

Kidder, William
Whalley, Michael

Nichols, Avis
Whittemore, James

Stapleton, Henry
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Case, Margaret
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Groves, Bonnie
Katsakiores, Phyllis
Miller, Don
Pullman, Robert
Rubin, George
Stone, Joseph
Williamson, William

Arndt, Janet
Boucher, William
Conroy, Janet
Crum, William, Jr.
Felch, Charles, Sr.
Gage, Beverly
Hazelton, Robert
Klemm, Arthur, Jr.
Moore, Benjamin
Putnam, Ed, II
Senter, Marilyn
Stritch, C. Donald
Woods, Deborah

Battles, Marjorie
Bove, Martin
Cote, Charles
Dowd, Sandra
Fesh, Robert
Gargiulo, Louis
Hemenway, Thomas
Kruse, Fred
Noyes, Richard
Raynowska, Bernard
Skinner, Patricia
Warburton, Calvin
Yennaco, Carol

Beaulieu, Jon
Campbell, Marilyn
Cote, Patricia
Drake, Herbert
Flanagan, Natalie
Gorman, Donald
Katsakiores, George
Malcolm, Kenneth
Packard, Sherman
Ritzo, Eugene
Smith, Arthur
Weyler, Kenneth

STRAFFORD

Callaghan, Frank
Keans, Sandra
Torr, Franklin
Wasson, Richard

Douglass, Clyde
Kincaid, William
Torr, Ralph

Dunlap, Patricia
McKinley, Robert
Vincent, Francis

Hashem, Elaine
Pageotte, Donald
Wall, Janet

SULLIVAN

Domini, Irene
Rodeschin, Beverly

Flint, Gordon

Lindblade, Eric

Peyron, Fredrik

and lacking the necessary two-thirds, the veto was sustained.

Rep. Emerton voted yea and intended to vote nay.

Rep. Langer wished to be recorded against.

Reps. Mock and Musler declared a conflict of interest and did not participate.

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1319

May 23, 1994

To the Honorable Members of the General Court:

I have this day vetoed House Bill 1319, the so-called "Augenblick bill." This bill requires the State to expend \$203 million in unbudgeted funds over three years. This money would flow through the school foundation aid program, with additional undetermined increases in future years.

The proponents of this measure know that there is no money in the bill to pay for the funding it requires. Considering the failure to propose a viable funding mechanism, I cannot responsibly support this measure. Indeed, it is difficult to imagine a more disingenuous pledge to our children than the one offered in House Bill 1319. I will not join with those who have voted for a bill that does nothing more than make an empty promise to our children and our citizens. This bill is a political statement intended to help aspiring politicians, not aspiring students.

The author of the Augenblick formula has indicated that since its inception anomalies may have developed in the application of the formula and he has offered to return to New Hampshire to assist in re-evaluating the formula in an effort to improve it. A failure to first review the fairness of the formula before spending taxpayer money that the State does not have is irresponsible.

I continue my strong commitment to ensuring that the school children in New Hampshire receive the best education possible. To that end, I supported and signed into law the State-wide Assessment Program which provides for academic achievement testing at the third, sixth and tenth grade levels and which establishes a statewide curriculum outlining what students should know at each stage of the learning process. Assessment will help identify strengths and areas that need improvement in our educational system and permit educators, administrators and parents to meaningfully respond to the changing needs of our students.

Under this administration the School Improvement Program contract was awarded to the Center for Resource Management, who in turn coordinated their effort with the Alliance for Effective Schools. This contract ensures that the improvement of individual schools is focused at the classroom level, with input from parents, teachers and the business community.

I will continue to invest considerable time discussing education throughout this State. I have already met with groups such as the New Hampshire School Superintendent's Association, the New Hampshire Alliance for Effective Schools and numerous business groups, to learn from a wide array of citizens about New Hampshire's educational needs. I have taught elementary school classes from Berlin to Plymouth to the Seacoast, from Nashua to Salem, to Manchester and Keene. Rather than making empty promises like those contained in House Bill 1319, I believe our State resources should be used to achieve insight into academic needs and I will continue to act upon this belief to serve the children of the State.

The sponsors of House Bill 1319 have attempted to confuse the actual effect of this bill by claiming that it fulfills the original intent of the Legislature when the Augenblick formula was passed in 1985. This is simply not true.

In repeating this claim, the proponents have specifically ignored the law that created the Augenblick formula. The formula did not set the State aid portion of school funding at 8 percent. On the contrary, John Augenblick recommended a funding level based on State revenue that would result in 8 percent of an average district's educational costs to be provided by State aid. In fact, Dr. Augenblick stated in a report entitled "A Comprehensive Finance Plan for New Hampshire's Public Schools" that "districts with lower fiscal capacity will have more than 8 percent of these costs provided and districts with higher fiscal capacity will have less than 8 percent of their costs covered."

In fact, an average district in New Hampshire State receives more than the 8 percent of its educational costs from State aid than was originally intended. Clearly, the Augenblick formula was designed to assist the most needy communities and not to provide 8 percent in State aid for every community without regard for their fiscal capacity. If that had been the goal, there would be no need for a formula.

To fund this bill, taxes will have to be increased or existing State aid to our communities will have to be cut. Such cuts would require cities and towns to raise local property taxes to maintain services. Yet the bill completely fails to identify which programs should be cut, which agencies should be downsized and which tax increases the sponsors endorse. This failure demonstrates complete disregard for the taxpayers and for fiscal responsibility. I will not support a measure that would require a significant increase in taxes and further burden the citizens of our State.

It is important to note that this year, in addition to the \$57 million in Augenblick money to the cities and towns and the millions in school building aid, transportation aid and other State support, the cities and towns also receive additional school money from revenue raised by the Business Profits Tax, averaging more than \$20 million per year. This is referred to as the "school aid portion of BPT distribution to cities and towns" or simply "school share." Supporters of House Bill 1319 have continually refused to say whether they will divert this BPT money to fund the bill. Perhaps the sponsors do not want local officials to know that the proposed increases in revenue to cities and towns under this bill will have to be offset by decreases in shared BPT receipts to the cities and towns.

Moreover, under the provisions of this bill, school districts most in need of assistance are not targeted for help. More than 60 percent of the additional funds to be distributed through the formula are earmarked not for those towns and cities having a lower property tax base, but instead for those which have greater revenue raising capacity. A primary goal of State aid for education should be to first assist those communities that most need help. This legislation does precisely the opposite and, therefore, should not become law.

We in New Hampshire have an educational system that is the envy of other states. We may rightfully be proud of the scholastic achievements of our children and the support provided by New Hampshire parents, educators and taxpayers. The credit belongs to dedicated teachers, interested parents and motivated students.

That does not mean we should accept the status quo. We must continue to seek ways to provide the best education possible to every New Hampshire child. This process should in-

clude a candid examination of educational programs and funding mechanisms. It should not include making a promise of millions more dollars for education without providing any means to fund that promise. That is playing politics with our school children and as Governor I will not participate in doing so.

Tax fairness is very important to me as Governor, as is the need to hold taxes down. That is why my budget sent back more money than any previous Governor to cities and towns for property tax relief and why I will continue to work to increase their tax base through sustained economic growth and a vibrant business climate.

The New Hampshire Supreme Court has stated that our school children are entitled to an adequate education. I agree, and I believe they deserve more. They deserve a quality education, and an ever-improving education. And our taxpayers deserve controlled spending and focused, funded educational programs. Please help me achieve this end.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1319**, requiring the state to fully fund the Augenblick formula by FY 1996, pass?

Rep. David Young spoke against.

Reps. Jasper and Channing Brown spoke against and yielded to questions.

Rep. Larson spoke in favor and yielded to questions.

Reps. McCann and Burling spoke in favor.

As required by the Constitution, a roll call was taken.

YEAS 163 - NAYS 192

YEAS 163

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Pratt, Irene
Royce, H. Charles

Burnham, Daniel
Kingsbury, H. Thayer
Richardson, Barbara
Russell, Ronald

Champagne, Richard
Manning, Joseph
Riley, William

DePecol, Benjamin
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Harwell, Tyler
Wiswell, James

Hawkinson, Marie

GRAFTON

Adams, Carl
Crony, Elizabeth
Larson, Nils, Jr.

Below, Clifton
Guest, Robert
Nordgren, Sharon

Brown, Patricia
Ham, Bonnie
Wadsworth, Karen

Copenhaver, Marion
LaMott, Paul

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Cepaitis, Elizabeth
Crotty, Edward
Dwyer, Patricia
Gosselin, Gerald
Hart, Nick
Kirby, Thomas
Lefebvre, Roland
Moore, Elizabeth
O'Rourke, Joanne
Smith, Leonard
Tate, Joan

Ahlgren, Madelyn
Bergeron, Lucien
Clemons, Jane
Daigle, Robert
Foster, Linda
Haettenschwiller, Alphonse
Holt, David
Lachut, Ervin
Lown, Elizabeth
Morrissette, Roland
Perkins, Paul
Soucy, Donna
Toomey, Kathryn

Allen, W. Gordon
Bergeron, Normand
Cote, David
Drabinowicz, A. Theresa
Franks, Suzan
Hall, Betty
Jean, Claudette
Laughlin, J. Francis
Martin, Mary Ellen
Murphy, Robert
Philbrook, Paula
Stewart, Thomas
Upton, Barbara

Asselin, Robert
Buckley, Raymond
Cowenhoven, Garret
Durham, Susan
Gervais, Glen
Hanselman, Gregory
Johnson, Lionel
Leclerc, Charles
Messier, Irene
Nardi, Theodora
Reidy, Frank
Sullens, Joan
White, John

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Gilbreth, Robert
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane

Chandler, John
Feuerstein, Martin
Houlahan, Thomas
Newland, Matthew
Shaw, Randall
Weeks, John, Jr.

Coughlin, Anne
Fillion, Paul
Johnson, Joyce May
Owen, Derek
Teague, Bert
Yeaton, Charles

Daneault, Gabriel
French, Barbara
Lockwood, Robert
Regan, Maurice
Trombly, Rick

ROCKINGHAM

Aranda, M. Kathryn
Caswell, Albert, Jr.
Flanagan, Natalie
Lovejoy, Marian
O'Keefe, Patricia
St. Martin, Tommy

Bell, Juanita
Clark, Martha
Groves, Bonnie
MacDonald, Maurice
Pantelakos, Laura
Syracusa, Anthony

Campbell, Marilyn
Crum, William, Jr.
Hutchinson, Karen
McGovern, Cynthia
Rosencrantz, James
Vaughn, Charles

Case, Margaret
Dowd, Sandra
Kane, Cecelia
Newman, Rick
Schanda, Joseph, Sr.
Warburton, Calvin

STRAFFORD

Brown, George
Hambrick, Patricia
Keans, Sandra
Lundborn, Raymond
Pelletier, Arthur
Sullivan, Henry

Callaghan, Frank
Hashem, Elaine
Kincaid, William
McCann, William, Jr.
Pelletier, Marsha
Wall, Janet

Dunlap, Patricia
Hemon, Roland
Knowles, William
Merrill, Amanda
Rogers, Rose Marie
Wheeler, Katherine

Gilmore, Gary
Hilliard, Dana
Loder, Suzanne
Merritt, Deborah
Snyder, Clair

SULLIVAN

Allison, David
Holl, Ann

Burling, Peter
Palmer, Lorraine

Cloutier, John
Schothanus, Merle

Flint, Gordon
Stamatakis, Carol

NAYS 192**BELKNAP**

Bartlett, Gordon
Golden, Paul
Lafam, Robert
Turner, Robert

Cain, Thomas
Hauck, William
Lawton, David
Young, Niel

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Philbrick, Donald

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Mock, Henry

CHESHIRE

Avery, Stephen
McNamara, Wanda

Cole, Stacey
Perry, David

Delano, Robert
Smith, Edwin

Hunt, John
Young, David

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Bean, Pamela
Hill, Richard
Ward, Kathleen

Brown, Alson
Rose, William
White, Paul

Brown, Channing
Scanlan, David

Gordon, Edward
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
Borsa, Andrew
Chabot, Robert

Amidon, Eleanor
Bowers, Dorothy
Daniels, Gary

Arnold, Barbara
Burke, M. Virginia
Desrosiers, William

Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Dodge, Emma

Drolet, Paul
Fenton, James
Greenberg, Gary
Hunter, Bruce
Kelley, Robert
Lozeau, Donnalee
Milligan, Robert
O'Hearn, Jane
Peters, Stanley
Rodgers, G. Philip
Searles, Stanley, Sr.
Wheeler, Robert

Dyer, Merton
Ferguson, Charles
Healy, Daniel
Jasper, Shawn
Kurk, Neal
McCarty, Winston
Mittelman, David
Packard, Bonnie
Record, Alice
Rothhaus, Finlay
Turgeon, Roland
Wright, George

Dykstra, Leona
Fields, Dennis
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
McRae, Karen
Moncrief, Keith
Paquette, Rodolphe
Rheault, Lillian
Sallada, Roland
Vanderlosk, Stanley

Emerton, Lawrence, Sr.
Gagnon, Eugene
Holt, Mark
Kelley, Dana
Lessard, Rudy
Mercer, Robert
Morello, Michael
Pepino, Leo
Riley, Frances
Sargent, Maxwell
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Hess, David
Kidder, William
Whalley, Michael

Buessing, Marjorie
Holmes, Mary
Mitchell, Vernon
Whittemore, James

Chandler, Earle
Johnson, C. William
Nichols, Avis
Willis, Jack

Hager, Elizabeth
Kennedy, Richard
Stapleton, Henry

ROCKINGHAM

Arndt, Janet
Boucher, William
Clark, Vivian
Cote, Patricia
Felch, Charles, Sr.
Gage, Beverly
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
Moore, Benjamin
Putnam, Ed, II
Senter, Marilyn
Stritch, C. Donald
Weyler, Kenneth

Battles, Marjorie
Bove, Martin
Coes, Betsy
Crossman, Harold, Jr.
Fesh, Robert
Gargiulo, Louis
Hurst, Sharleene
Klemarczyk, Thaddeus
Malcolm, Kenneth
Noyes, Richard
Raynowska, Bernard
Skinner, Patricia
Sytek, Donna
Williamson, William

Beaulieu, Jon
Chester, Sherman
Conroy, Janet
Drake, Herbert
Flanders, David
Gorman, Donald
Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Packard, Sherman
Richards, David
Smith, Arthur
Sytek, John
Woods, Deborah

Blake, Daniel
Christie, Andrew, Jr.
Cote, Charles
Dube, LeRoy
Flanders, John, Sr.
Hazelton, Robert
Katsakiores, George
Kruse, Fred
Miller, Don
Pratt, Katharin
Rubin, George
Stone, Joseph
Welch, David
Yennaco, Carol

STRAFFORD

Brown, Julie
Pageotte, Donald
Vincent, Francis

Douglass, Clyde
Torr, Ann
Wasson, Richard

McKinley, Robert
Torr, Franklin

Nehring, William
Torr, Ralph

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene

Lindblade, Eric

Peyron, Fredrik

and lacking the necessary two-thirds, the veto was sustained.
Reps. Gene Chandler and Langer wished to be recorded against.

DEBATE LIMITED

Rep. Record moved that debate be limited to 15 minutes for each side, including questions, for the three remaining Veto messages.

Adopted.

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1325

May 23, 1994

To The Honorable Members of the General Court:

I have this day vetoed House Bill 1325, an act requiring the publication of an HIV/AIDS Handbook. The State Board of Education has already published such a handbook.

This bill seeks to erode local control in education and to transfer authority and responsibility from the State Board of Education to the Department of Education, the National Commission on AIDS and the Center for Disease Control (CDC). Under existing law, the State Board of Education is already authorized to develop and provide human immunodeficiency virus-related educational material to school boards and private and public elementary, secondary and postsecondary educational institutions.

This bill is concerned with politics, not with HIV/AIDS education. It is repetitive and unnecessary since this information has already been published and is currently being revised. This bill is intended to attack the authority of the State Board of Education in favor of the NEA, the education lobby and those who seek a comprehensive health education policy for New Hampshire. I will not permit that to happen.

Pursuant to this mandate, in December, 1990, the New Hampshire State Board of Education approved and published the "New Hampshire Educators' Handbook: A Guide for Developing HIV/AIDS Curriculum and Policy" (the HIV/AIDS Handbook). The HIV/AIDS handbook was produced and published with input from the New Hampshire Division of Public Health, parents, teachers, school administrators, representatives of the New Hampshire Department of Education, and the New Hampshire State Board of Education. It provided a comprehensive guide for integrating HIV/AIDS education for students from kindergarten through grade 12.

The original edition of the HIV/AIDS Handbook was drafted consistent with the legislative policy that educational materials regarding HIV/AIDS should stress sexual abstinence, as well as the avoidance of drugs as the most effective means to prevent contracting the human immunodeficiency virus. In November of 1993, the Board revised the HIV/AIDS Handbook and is presently seeking CDC panel review. The State Board will continue to solicit input from the State agencies and nationally recognized organizations in drafting and disseminating HIV/AIDS educational material. They do not need this bill to do their job.

The Board is made up of volunteers from the community selected to represent the citizens of this State. As such, it is in the best position to represent New Hampshire's interests and values. By requiring a new handbook to include recommendations from the CDC and the National Commission on AIDS, as this measure does, we forfeit local control over HIV/AIDS education. This is especially troubling, since the national organizations compile HIV/AIDS information for use by the general public that is not specifically geared for distribution to children. Our State HIV/AIDS Handbook is doing the job and should not be attacked by those who would do away with the State Board of Education entirely if they could do so.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1325**, requiring the publication of an AIDS/HIV handbook, pass?

Rep. Woods spoke against.

Reps. St. Martin and Beverly Gage spoke in favor.

As required by the Constitution, a roll call was taken.

YEAS 131 - NAYS 181

YEAS 131

BELKNAP

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
Richardson, Barbara

Champagne, Richard
McGuirk, Paul
Riley, William

DePecol, Benjamin
Perry, David
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Harwell, Tyler
Wiswell, James

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Bean, Pamela
Crory, Elizabeth
Wadsworth, Karen

Below, Clifton
Guest, Robert
Ward, Kathleen

Brown, Patricia
Larson, Nils, Jr.

Copenhaver, Marion
Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard
Buckley, Raymond
Crotty, Edward
Dwyer, Patricia
Hanselman, Gregory
Lefebvre, Roland
Nardi, Theodora
Sargent, Maxwell
Sullens, Joan
Weergang, Alida

Asselin, Robert
Cepaitis, Elizabeth
Daigle, Robert
Foster, Linda
Holt, David
Lessard, Rudy
O'Hearn, Jane
Smith, Leonard
Tate, Joan
White, John

Bagley, Amy
Clemons, Jane
Drabinowicz, A. Theresa
Haettenschwiller, Alphonse
Jean, Claudette
Moore, Elizabeth
Paquette, Rodolphe
Soucy, Donna
Toomey, Kathryn

Bergeron, Normand
Cote, David
Durham, Susan
Hall, Betty
Leclerc, Charles
Murphy, Robert
Philbrook, Paula
Stewart, Thomas
Upton, Barbara

MERRIMACK

Braiterman, Thea
Fillion, Paul
Lockwood, Robert
Regan, Maurice
Weeks, John, Jr.

Daneault, Gabriel
French, Barbara
Moore, Carol
Rogers, Katherine
Yeaton, Charles

Dunn, Miriam
Gilbreth, Robert
Newland, Matthew
Trombly, Rick

Feuerstein, Martin
Johnson, Joyce May
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Case, Margaret
Flanagan, Natalie
Hutchinson, Karen
Newman, Rick
St. Martin, Tommy

Caswell, Albert, Jr.
Gage, Beverly
Kruse, Fred
O'Keefe, Patricia
Vaughn, Charles

Clark, Martha
Groves, Bonnie
MacDonald, Maurice
Pantelakos, Laura

Coes, Betsy
Hurst, Sharleene
McGovern, Cynthia
Pratt, Katharin

STRAFFORD

Brown, George
Hashem, Elaine
Knowles, William
Merrill, Amanda
Rogers, Rose Marie
Wheeler, Katherine

Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Merritt, Deborah
Snyder, Clair

Gilmore, Gary
Hilliard, Dana
Lundborn, Raymond
Pelletier, Arthur
Sullivan, Henry

Hambrick, Patricia
Keans, Sandra
McCann, William, Jr.
Pelletier, Marsha
Vincent, Francis

SULLIVAN

Allison, David
Palmer, Lorraine

Burling, Peter
Stamatakis, Carol

Cloutier, John

Holl, Ann

NAYS 181**BELKNAP**

Bartlett, Gordon
Golden, Paul
Lafam, Robert
Turner, Robert

Cain, Thomas
Hauck, William
Lawton, David

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Manning, Joseph
Young, David

Cole, Stacey
McNamara, Wanda

Delano, Robert
Royce, H. Charles

Hunt, John
Smith, Edwin

COOS

Foss, Frederic

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Ham, Bonnie
Trelfa, Richard

Brown, Alson
Hill, Richard
White, Paul

Brown, Channing
Rose, William

Gordon, Edward
Scanlan, David

HILLSBOROUGH

Ahrens, Frederick
Bergeron, Lucien
Chabot, Robert
Drolet, Paul
Ferguson, Charles
Gosselin, Gerald
Hunter, Bruce
Kelley, Dana
L'Heureux, Robert
McCarty, Winston
Moncrief, Keith
Rheault, Lillian
Searles, Stanley, Sr.
Wheeler, Robert

Amidon, Eleanor
Borsa, Andrew
Daniels, Gary
Dyer, Merton
Fields, Dennis
Healy, Daniel
Jasper, Shawn
Kelley, Robert
Lachut, Ervin
Messier, Irene
Morello, Michael
Rodgers, G. Philip
Turgeon, Roland

Arnold, Barbara
Bowers, Dorothy
Desrosiers, William
Dykstra, Leona
Franks, Suzan
Holley, Sylvia
Jean, Loren
Kirby, Thomas
Lown, Elizabeth
Milligan, Robert
Packard, Bonnie
Rothhaus, Finlay
Vanderlosk, Stanley

Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Dodge, Emma
Emerton, Lawrence, Sr.
Gagnon, Eugene
Holt, Mark
Johnson, Lionel
Kurk, Neal
Lozeau, Donnalee
Mittelman, David
Record, Alice
Sallada, Roland
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Hager, Elizabeth
Johnson, C. William
Stapleton, Henry
Willis, Jack

Buessing, Marjorie
Hess, David
Kidder, William
Teague, Bert

Chandler, Earle
Holmes, Mary
Nichols, Avis
Whalley, Michael

Chandler, John
Houlahan, Thomas
Shaw, Randall
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Clark, Vivian
Crossman, Harold, Jr.
Dube, LeRoy
Hazelton, Robert
Katsakiores, Phyllis
Lovejoy, Marian
Moore, Benjamin
Richards, David
Stone, Joseph
Warburton, Calvin
Yennaco, Carol

Arndt, Janet
Bove, Martin
Conroy, Janet
Crum, William, Jr.
Flanders, David
Hemenway, Thomas
Klemarczyk, Thaddeus
Malcolm, Kenneth
Noyes, Richard
Rubin, George
Stritch, C. Donald
Welch, David

Battles, Marjorie
Campbell, Marilyn
Cote, Charles
Dowd, Sandra
Flanders, John, Sr.
Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pullman, Robert
Senter, Merilyn
Sytek, Donna
Williamson, William

Beaulieu, Jon
Chester, Sherman
Cote, Patricia
Drake, Herbert
Gargiulo, Louis
Katsakiores, George
Lee, Rebecca
Miller, Don
Putnam, Ed, II
Skinner, Patricia
Sytek, John
Woods, Deborah

STRAFFORD

Brown, Julie
Nehring, William
Wall, Janet

Callaghan, Frank
Pageotte, Donald
Wasson, Richard

Douglass, Clyde
Torr, Ann

McKinley, Robert
Torr, Franklin

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Domini, Irene

Flint, Gordon

Lindblade, Eric

and lacking the necessary two-thirds, the veto was sustained.

Reps. Burke, Felch, Langer, Mitchell, Pepino, Frances Riley, Arthur Smith, Wright, and Niel Young wished to be recorded against.

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1394

May 23, 1994

To The Honorable Members of the General Court:

I have this day vetoed House Bill 1394, an act reducing the mandatory minimum sentence for an habitual offender convicted of unlawfully operating a motor vehicle.

Presently, the law requires a court to impose a mandatory minimum sentence of one year for convicted habitual offenders. House Bill 1394 would reduce that minimum sentence to six months regardless of the nature of the underlying offenses. As a result, habitual offenders whose convictions were for drunk driving would benefit from the reduction of the minimum sentence proposed in this bill. I cannot support a measure that ignores the devastating threat that drunk drivers, and those with horrendous driving records, pose to the citizens who lawfully use our roadways.

To be certified as an habitual offender in the first instance, a person must have accumulated a substantial number of vehicle violations; twelve minor violations, which include speeding, crossing the yellow line and driving with a suspended license, three major violations, which may include DWI convictions, or a combination of major and minor offenses. Chronic lawbreakers do not deserve the benefit this measure confers. If they are willing to continually violate the law, they must be willing to pay the price.

The one-year mandatory minimum presently in effect to punish habitual offenders is intended, among other things, to discourage those who drive after drinking an alcoholic beverage, just as House Bill 377 discourages the same behavior. House Bill 377, which I signed into law today, permits customers of eating establishments to transport partially consumed wine bottles in the trunk of their cars, as long as the bottles are properly sealed. This should discourage people from consuming the entire bottle of wine when they are about to drive merely to "get their money's worth."

To the sponsors of the bill I want to say that I agree with you that it is important to measure the value that incarceration has, as opposed to other methods of punishment, in deterring violations of the rules of the road. This is a task that should be undertaken. However, at a time when the public outcry against drunk drivers is at an all-time high, I fear this legislation would send the wrong message to those who would abuse our highways. It is for this reason that last session I fought for a bill lowering the legal limit for blood alcohol content from .10 to .08. I continue to remain committed in my efforts to protect the citizens of New Hampshire and to keep our roads safe. I will continue to work with interested parties who want to meet those goals.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1394**, reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle, pass?

Rep. Welch spoke against.

Rep. Lozeau spoke in favor and yielded to questions.

As required by the Constitution, a roll call was taken.

YEAS 138 - NAYS 205

YEAS 138 BELKNAP

Campbell, Richard, Jr.

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah

Burnham, Daniel

Champagne, Richard

Hunt, John

Kingsbury, H. Thayer

McGuirk, Paul

Pratt, Irene

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

COOS

Bradley, Paula
Mears, Edgar

Harwell, Tyler
Pratt, Leighton

Hawkinson, Marie
Wiswell, James

Mayhew, Josephine

GRAFTON

Below, Clifton
Nordgren, Sharon

Copenhaver, Marion
Wadsworth, Karen

Crory, Elizabeth

Guest, Robert

HILLSBOROUGH

Asselin, Robert
Buckley, Raymond
Cowenhoven, Garret
Dwyer, Patricia
Hart, Nick
Lachut, Ervin
Lown, Elizabeth
Moore, Elizabeth
Perkins, Paul
Rodgers, G. Philip
Tate, Joan

Bagley, Amy
Cepaitis, Elizabeth
Crotty, Edward
Gosselin, Gerald
Hunter, Bruce
Laughlin, J. Francis
Lozeau, Donnalee
Morrissette, Roland
Philbrook, Paula
Sargent, Maxwell
Toomey, Kathryn

Bergeron, Lucien
Clemons, Jane
Daigle, Robert
Haettenschwiller, Alphonse
Jean, Claudette
Leclerc, Charles
Martin, Mary Ellen
Nardi, Theodora
Record, Alice
Soucy, Donna
White, John

Bergeron, Normand
Cote, David
Drabinowicz, A. Theresa
Hall, Betty
Kirby, Thomas
Lessard, Rudy
Messier, Irene
Paquette, Rodolphe
Reidy, Frank
Stewart, Thomas

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Holmes, Mary
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane

Chandler, John
Feuerstein, Martin
Johnson, C. William
Newland, Matthew
Stapleton, Henry
Weeks, John, Jr.

Coughlin, Anne
Fillion, Paul
Johnson, Joyce May
Owen, Derek
Teague, Bert
Yeaton, Charles

Daneault, Gabriel
French, Barbara
Lockwood, Robert
Regan, Maurice
Trombly, Rick

ROCKINGHAM

Bell, Juanita
Clark, Vivian
Hutchinson, Karen
Pantelakos, Laura
Vaughn, Charles

Campbell, Marilyn
Flanagan, Natalie
Kane, Cecelia
St. Martin, Tommy

Caswell, Albert, Jr.
Groves, Bonnie
McGovern, Cynthia
Sytek, Donna

Clark, Martha
Hurst, Sharleene
O'Keefe, Patricia
Sytek, John

STRAFFORD

Brown, George
Hambrick, Patricia
Kincaid, William
McCann, William, Jr.
Pelletier, Arthur
Sullivan, Henry

Brown, Julie
Hemon, Roland
Knowles, William
Merrill, Amanda
Pelletier, Marsha
Vincent, Francis

Dunlap, Patricia
Hilliard, Dana
Loder, Suzanne
Merritt, Deborah
Rogers, Rose Marie
Wheeler, Katherine

Gilmore, Gary
Keans, Sandra
Lundborn, Raymond
Pageotte, Donald
Snyder, Clair

SULLIVAN

Allison, David
Palmer, Lorraine

Behrens, Thomas
Stamatakis, Carol

Burling, Peter

Holl, Ann

NAYS 205**BELKNAP**

Bartlett, Gordon
Hauck, William
Lawton, David
Young, Niel

Cain, Thomas
Holbrook, Robert
Rice, Thomas, Jr.

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph

Golden, Paul
Lafiam, Robert
Turner, Robert

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
McNamara, Wanda
Young, David

Cole, Stacey
Perry, David

Delano, Robert
Royce, H. Charles

Manning, Joseph
Smith, Edwin

COOS

Coulombe, Henry
Merrill, Gerald

Foss, Frederic

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Larson, Nils, Jr.
Ward, Kathleen

Bean, Pamela
Gordon, Edward
Rose, William
White, Paul

Brown, Alson
Ham, Bonnie
Scanlan, David

Brown, Channing
Hill, Richard
Trelfa, Richard

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.
Chabot, Robert
Drolet, Paul
Emerton, Lawrence, Sr.
Franks, Suzan
Healy, Daniel
Jasper, Shawn
Kelley, Robert
McCarty, Winston
Mittelman, David
O'Hearn, Jane
Rheault, Lillian
Smith, Leonard
Vanderlosk, Stanley
Wright, George

Ahrens, Frederick
Borsa, Andrew
Daniels, Gary
Durham, Susan
Ferguson, Charles
Gagnon, Eugene
Holley, Sylvia
Jean, Loren
Kurk, Neal
McRae, Karen
Moncrief, Keith
Packard, Bonnie
Rothhaus, Finlay
Sullens, Joan
Weergang, Alida

Amidon, Eleanor
Bowers, Dorothy
Desrosiers, William
Dyer, Merton
Fields, Dennis
Greenberg, Gary
Holt, David
Johnson, Lionel
L'Heureux, Robert
Mercer, Robert
Morello, Michael
Pepino, Leo
Sallada, Roland
Turgeon, Roland
Wells, Peter, Sr.

Arnold, Barbara
Calawa, Leon, Jr.
Dodge, Emma
Dykstra, Leona
Foster, Linda
Hanselman, Gregory
Holt, Mark
Kelley, Dana
Lefebvre, Roland
Milligan, Robert
Murphy, Robert
Peters, Stanley
Searles, Stanley, Sr.
Upton, Barbara
Wheeler, Robert

MERRIMACK

Barberia, Richard
Hager, Elizabeth
Kidder, William
Whalley, Michael

Buessing, Marjorie
Hess, David
Mitchell, Vernon
Whittemore, James

Chandler, Earle
Houlahan, Thomas
Nichols, Avis
Willis, Jack

Gilbreth, Robert
Kennedy, Richard
Shaw, Randall

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert
Flanders, David
Gorman, Donald
Katsakiores, Phyllis
Lee, Rebecca
McKinney, Betsy
Noyes, Richard
Raynowska, Bernard
Schanda, Joseph, Sr.
Stone, Joseph
Weyler, Kenneth

Arndt, Janet
Bove, Martin
Coes, Betsy
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Klemarczyk, Thaddeus
Lovejoy, Marian
Miller, Don
Pratt, Katharin
Richards, David
Senter, Merilyn
Stritch, C. Donald
Williamson, William

Battles, Marjorie
Case, Margaret
Conroy, Janet
Crum, William, Jr.
Felch, Charles, Sr.
Gage, Beverly
Johnson, Robert
Klemm, Arthur, Jr.
MacDonald, Maurice
Moore, Benjamin
Pullman, Robert
Rosencrantz, James
Skinner, Patricia
Warburton, Calvin
Woods, Deborah

Beaulieu, Jon
Chester, Sherman
Cote, Charles
Dowd, Sandra
Fesh, Robert
Gargiulo, Louis
Katsakiores, George
Krusse, Fred
Malcolm, Kenneth
Newman, Rick
Putnam, Ed, II
Rubin, George
Smith, Arthur
Welch, David
Yennaco, Carol

STRAFFORD

Callaghan, Frank
Nehring, William
Wasson, Richard

Douglass, Clyde
Torr, Ann

Hashem, Elaine
Torr, Franklin

McKinley, Robert
Wall, Janet

SULLIVAN

Cloutier, John
Peyron, Fredrik

Domini, Irene
Rodeschin, Beverly

Flint, Gordon
Schotanus, Merle

Lindblade, Eric

and lacking the necessary two-thirds, the veto was sustained.
Reps. Burke and Langer wished to be recorded against.

(Rep. Jasper in the Chair)

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1456

June 10, 1994

To The Honorable Members of the General Court:

I hereby veto House Bill 1456, an act relative to health care service providers.

The Washington Post accurately described our nation's health care debate as "a huge power struggle over who is going to control the practice of medicine in the years ahead and on what terms. In particular, it has to do with the instrument of control called managed care."

Health insurance companies, hospitals, physicians, and all others involved in the health care system are changing the manner in which they do business. All are vigorously attempting to control cost increases and go even farther and lower the costs of health care.

My dilemma with this bill focuses on the difference between "controlling costs" (which I support) or "restraining physicians' legitimate medical practice" (which I do not support). If this bill is a standard "any willing provider" bill, it will drive costs up and undercut managed care. On the other hand, if this bill addresses the concern of physicians to practice in the marketplace, then I support their concerns.

On balance, I cannot support legislation that may weaken the managed care process as an effective means of reducing the rate of growth of health care costs. It would broaden the number of mental health service providers that an insurer would be forced to include within its provider network. This would make the process of oversight and service utilization more difficult and more expensive. This bill sets up a process of establishing and administering provider selection, termination and appeal criteria that may increase costs and may increase delays.

At this early stage in New Hampshire's health care reform, we must err, if at all, on the side of cost-control in our health care system. This is true, particularly since I have recently signed bills to expand health options, including SB 711 relative to small employer and individual insurance which includes requirements for modified "community rating" and eliminating exclusion of coverage for pre-existing conditions, and SB 767 which provides equality of coverage for certain biologically-based mental illnesses.

The implementation of these new laws requires our diligent scrutiny to assure that they do not increase health care costs. Upward cost pressures will make basic access to health care more difficult to achieve.

The Legislature has just created a committee to study this broader issue of exclusivity contracts in all aspects of health care. I feel that this committee established under SB 539 should include mental health care within its study and should resolve the legitimate concerns raised by the sponsors of this bill.

The committee should also consider certain technical problems in this bill. It would require all categories of certified or licensed providers be allowed into an insurer's network and thus be reimbursed for their services. However, the Legislature this session specifically voted against the inclusion of all such providers under current law by defeating an amendment to HB 1329 which would have mandated reimbursement for certified mental health counselors and marriage and family therapists.

Also, the definition of health care insurer under this bill does not reference all categories of insurers. It can be argued that it does not extend to preferred provider agreements under RSA 420-C or even to commercial insurers under RSA 415.

This bill may also bring about costly litigation between providers and insurers. There would be an incentive for providers who were not selected for an insurer's network (or were terminated from one) to bring suit against the health insurance company for economic loss. There would also be litigation over the criteria for provider selection and termination. The bill re-

quires an appeals process for any selection or termination decision and would require an opportunity for a hearing on terminations "for cause." It does not make clear if these requirements can be met administratively, outside of litigation.

There is also the issue of "transition benefits", to deal with the situation where a person moves from one insurance company to another and is faced with giving up an existing relationship with a mental health provider. I believe this is a legitimate concern that needs to be addressed. Therefore, I have instructed the Insurance Department to develop rules providing for a one-year transition period to allow continuation of care with a particular provider.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1456**, relative to mental health care service providers, pass?

Reps. Hunt, Robert Wheeler and Bonnie Packard spoke against.

Rep. Manning requested a quorum count. The Chair declared a quorum present.

(Speaker Burns in the Chair)

Reps. Katherine Wheeler, Guay, Manning and Crory spoke in favor.

As required by the Constitution, a roll call was taken.

YEAS 167 - NAYS 164

YEAS 167

BELKNAP

Turner, Robert

Young, Niel

CARROLL

Beach, Mildred

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Perry, David
Royce, H. Charles

Bonneau, Sarah
Kingsbury, H. Thayer
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Manning, Joseph
Richardson, Barbara
Young, David

Champagne, Richard
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Hawkinson, Marie

Coulombe, Henry
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

Harwell, Tyler
Wiswell, James

GRAFTON

Bean, Pamela
Copenhaver, Marion
Larson, Nils, Jr.

Below, Clifton
Crory, Elizabeth
Nordgren, Sharon

Brown, Alson
Guest, Robert

Brown, Patricia
Ham, Bonnie

HILLSBOROUGH

Ahern, Richard
Bergeron, Lucien
Cepaitis, Elizabeth
Drabinowicz, A. Theresa
Fields, Dennis
Hunter, Bruce
L'Heureux, Robert
Lessard, Rudy
Messier, Irene
Nardi, Theodora
Peters, Stanley
Smith, Leonard
Turgeon, Roland

Ahlgren, Madelyn
Bergeron, Normand
Clemons, Jane
Durham, Susan
Gosselin, Gerald
Jean, Claudette
Laughlin, J. Francis
Lown, Elizabeth
Moore, Elizabeth
O'Rourke, Joanne
Philbrook, Paula
Soucy, Donna
White, John

Amidon, Eleanor
Borsa, Andrew
Cote, David
Dwyer, Patricia
Hall, Betty
Johnson, Lionel
Leclerc, Charles
Lozeau, Donnalee
Morrissette, Roland
Paquette, Rodolphe
Reidy, Frank
Stewart, Thomas

Asselin, Robert
Buckley, Raymond
Daigle, Robert
Emerton, Lawrence, Sr.
Hart, Nick
Kirby, Thomas
Lefebvre, Roland
Martin, Mary Ellen
Murphy, Robert
Perkins, Paul
Sargent, Maxwell
Toomey, Kathryn

MERRIMACK

Braiterman, Thea	Chandler, John	Coughlin, Anne	Daneault, Gabriel
Dunn, Miriam	Feuerstein, Martin	Fillion, Paul	French, Barbara
Gilbreth, Robert	Hager, Elizabeth	Holmes, Mary	Houlahan, Thomas
Johnson, C. William	Moore, Carol	Newland, Matthew	Owen, Derek
Regan, Maurice	Rogers, Katherine	Teague, Bert	Trombly, Rick
Wallner, Mary Jane	Weeks, John, Jr.	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn	Bell, Juanita	Case, Margaret	Caswell, Albert, Jr.
Christie, Andrew, Jr.	Clark, Martha	Clark, Vivian	Coes, Betsy
Conroy, Janet	Fesh, Robert	Groves, Bonnie	Hurst, Sharleene
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Kruse, Fred
MacDonald, Maurice	McGovern, Cynthia	O'Keefe, Patricia	Pantelakos, Laura
Pratt, Katharin	Pullman, Robert	Rosencrantz, James	Senter, Marilyn
St. Martin, Tommy	Vaughn, Charles	Weyler, Kenneth	

STRAFFORD

Brown, Julie	Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia
Hashem, Elaine	Hemon, Roland	Hilliard, Dana	Keans, Sandra
Kincaid, William	Knowles, William	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Snyder, Clair	Sullivan, Henry
Vincent, Francis	Wheeler, Katherine		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Holl, Ann
Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle	Stamatakis, Carol

NAYS 164**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Golden, Paul
Hauck, William	Holbrook, Robert	Johnson, Carl	Laffam, Robert
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	

CARROLL

Allard, Nanci	Bradley, Jeb	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Mock, Henry
Philbrick, Donald	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Delano, Robert	Hunt, John	McNamara, Wanda	Smith, Edwin
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COOS

Foss, Frederic	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
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GRAFTON

Adams, Carl	Brown, Channing	Gordon, Edward	Hill, Richard
LaMott, Paul	Rose, William	Scanlan, David	Treffa, Richard
Wadsworth, Karen	Ward, Kathleen	White, Paul	

HILLSBOROUGH

Ahrens, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.	Bagley, Amy
Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert
Cowenhoven, Garret	Daniels, Gary	Desrosiers, William	Dodge, Emma
Drolet, Paul	Dyer, Merton	Dykstra, Leona	Ferguson, Charles
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Greenberg, Gary
Hanselman, Gregory	Healy, Daniel	Holley, Sylvia	Holt, David

Holt, Mark
Kelley, Robert
McRae, Karen
Moncrief, Keith
Pepino, Leo
Rodgers, G. Philip
Sullens, Joan
Wheeler, Robert

Jasper, Shawn
Kurk, Neal
Mercer, Robert
Morello, Michael
Record, Alice
Rothhaus, Finlay
Upton, Barbara
Wright, George

Jean, Loren
Lachut, Ervin
Milligan, Robert
O'Hearn, Jane
Rheault, Lillian
Sallada, Roland
Vanderlosk, Stanley

Kelley, Dana
McCarty, Winston
Mittelman, David
Packard, Bonnie
Riley, Frances
Searles, Stanley, Sr.
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Kidder, William
Shaw, Randall

Buessing, Marjorie
Lockwood, Robert
Stapleton, Henry

Chandler, Earle
Mitchell, Vernon
Whittemore, James

Kennedy, Richard
Nichols, Avis
Willis, Jack

ROCKINGHAM

Arndt, Janet
Chester, Sherman
Crum, William, Jr.
Felch, Charles, Sr.
Gorman, Donald
Klemm, Arthur, Jr.
McKinney, Betsy
Noyes, Richard
Rubin, George
Stritch, C. Donald
Williamson, William

Beaulieu, Jon
Cote, Charles
Dowd, Sandra
Flanagan, Natalie
Hemenway, Thomas
Lee, Rebecca
Miller, Don
Putnam, Ed, II
Schanda, Joseph, Sr.
Sytek, Donna
Woods, Deborah

Boucher, William
Cote, Patricia
Drake, Herbert
Flanders, David
Katsakiores, Phyllis
Lovejoy, Marian
Moore, Benjamin
Raynowska, Bernard
Skinner, Patricia
Sytek, John
Yennaco, Carol

Bove, Martin
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, John, Sr.
Klemarczyk, Thaddeus
Malcolm, Kenneth
Newman, Rick
Richards, David
Smith, Arthur
Warburton, Calvin

STRAFFORD

Callaghan, Frank
Pageotte, Donald
Wasson, Richard

Douglass, Clyde
Torr, Ann

McKinley, Robert
Torr, Franklin

Nehring, William
Wall, Janet

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene

Flint, Gordon

Lindblade, Eric

and lacking the necessary two-thirds, the veto was sustained.

Reps. Cole, Langer, Stone and Welch wished to be recorded against.

Rep. Teschner declared a conflict of interest and did not participate.

GUESTS ON THE ROSTRUM

Zhang Weichao, Ambassador Counsul General and Liu Jin, Vice Counsul of the People's Republic of China and Michael Wilner, Chairman of Hilltop Pacific Partners, Ltd., guests of Speaker Burns.

RULES SUSPENSION

Reps. Ann Torr, Trombly and Gorman moved that the Rules be so far suspended as to permit introduction and consideration at the present time, without the proper referral, printing, notice and hearing of **SB 810**, legalizing the Hanover school district special meeting held June 8 and 9, 1994.

Rep. Nordgren yielded to questions.

Reps. Trombly and Ann Torr spoke in favor.

Roll call request sufficiently seconded.

The question being suspension of the Rules.

YEAS 290 - NAYS 65

YEAS 290

BELKNAP

Bartlett, Gordon
Hauck, William
Rosen, Ralph

Cain, Thomas
Holbrook, Robert
Smith, Linda

Campbell, Richard, Jr.
Laffam, Robert
Turner, Robert

Golden, Paul
Lawton, David

CARROLL

Beach, Mildred
Foster, Robert

Bradley, Jeb
Lyman, L. Randy

Cogswell, Richard
Saunders, Howard

Dickinson, Howard, Jr.

CHESHIRE

Avery, Stephen
Cole, Stacey
Hunt, John
McNamara, Wanda
Riley, William
Smith, Edwin

Bonneau, Sarah
DePecol, Benjamin
Kingsbury, H. Thayer
Perry, David
Robertson, Timothy
Young, David

Burnham, Daniel
Delano, Robert
Manning, Joseph
Pratt, Irene
Royce, H. Charles

Champagne, Richard
Foster, Katherine
McGuirk, Paul
Richardson, Barbara
Russell, Ronald

COOS

Bradley, Paula
Harwell, Tyler
Mears, Edgar

Coulombe, Henry
Hawkinson, Marie
Merrill, Gerald

Foss, Frederic
Horton, Lynn
Pratt, Leighton

Guay, Lawrence
Mayhew, Josephine
Wiswell, James

GRAFTON

Adams, Carl
Brown, Channing
Driscoll, William
Hill, Richard
Scanlan, David
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Gordon, Edward
LaMott, Paul
Teschner, Douglass
White, Paul

Below, Clifton
Copenhaver, Marion
Guest, Robert
Larson, Nils, Jr.
Trelfa, Richard

Brown, Alson
Corry, Elizabeth
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Amidon, Eleanor
Bergeron, Lucien
Burke, M. Virginia
Cote, David
Drabinowicz, A. Theresa
Emerton, Lawrence, Sr.
Franks, Suzan
Greenberg, Gary
Holley, Sylvia
Johnson, Lionel
Lachut, Ervin
Lown, Elizabeth
Messier, Irene
Moore, Elizabeth
O'Hearn, Jane
Reidy, Frank
Sargent, Maxwell
Sullens, Joan
Wheeler, Robert

Ahlgren, Madelyn
Arnold, Barbara
Bergeron, Normand
Cepaitis, Elizabeth
Crotty, Edward
Drolet, Paul
Fenton, James
Gagnon, Eugene
Haettenschwiller, Alphonse
Holt, David
Kelley, Robert
Laughlin, J. Francis
Lozeau, Donnalee
Milligan, Robert
Morrisette, Roland
O'Rourke, Joanne
Rodgers, G. Philip
Searles, Stanley, Sr.
Toomey, Kathryn
White, John

Ahrens, Frederick
Asselin, Robert
Bowers, Dorothy
Chabot, Robert
Daniels, Gary
Durham, Susan
Fields, Dennis
Gervais, Glen
Hanselman, Gregory
Jasper, Shawn
Kirby, Thomas
Lefebvre, Roland
McCarty, Winston
Mittelman, David
Murphy, Robert
Paquette, Rodolphe
Rothhaus, Finlay
Soucy, Donna
Turgeon, Roland

Allen, W. Gordon
Bagley, Amy
Buckley, Raymond
Clemons, Jane
Desrosiers, William
Dyer, Merton
Foster, Linda
Gosselin, Gerald
Healy, Daniel
Jean, Claudette
L'Heureux, Robert
Lessard, Rudy
Mercer, Robert
Moncrief, Keith
Nardi, Theodora
Philbrook, Paula
Sallada, Roland
Stewart, Thomas
Vanderlosk, Stanley

MERRIMACK

Barberia, Richard
Coughlin, Anne
Fillion, Paul
Holmes, Mary
Kidder, William
Newland, Matthew
Rogers, Katherine
Trombly, Rick
Whalley, Michael

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Houlahan, Thomas
Lockwood, Robert
Nichols, Avis
Shaw, Randall
Wallner, Mary Jane
Willis, Jack

Buessing, Marjorie
Dunn, Miriam
Gilbreth, Robert
Johnson, C. William
Mitchell, Vernon
Owen, Derek
Stapleton, Henry
Ward, Jay
Yeaton, Charles

Chandler, Earle
Feuerstein, Martin
Hager, Elizabeth
Johnson, Joyce May
Moore, Carol
Regan, Maurice
Teague, Bert
Weeks, John, Jr.

ROCKINGHAM

Arndt, Janet
 Bove, Martin
 Clark, Martha
 Cote, Patricia
 Dube, LeRoy
 Flanders, David
 Gorman, Donald
 Johnson, Robert
 Klemarczyk, Thaddeus
 MacDonald, Maurice
 Newman, Rick
 Pantelakos, Laura
 Ritzo, Eugene
 Splaine, James
 Syracuse, Anthony
 Weyler, Kenneth

Battles, Marjorie
 Campbell, Marilyn
 Clark, Vivian
 Crossman, Harold, Jr.
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Groves, Bonnie
 Kane, Cecelia
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Noyes, Richard
 Pratt, Katharin
 Rosencrantz, James
 St. Martin, Tommy
 Sytek, Donna
 Williamson, William

Bell, Juanita
 Case, Margaret
 Coes, Betsy
 Dowd, Sandra
 Fesh, Robert
 Gage, Beverly
 Hemenway, Thomas
 Katsakiores, George
 Lee, Rebecca
 McGovern, Cynthia
 O'Keefe, Patricia
 Raynowska, Bernard
 Senter, Marilyn
 Stone, Joseph
 Vaughn, Charles
 Woods, Deborah

Boucher, William
 Caswell, Albert, Jr.
 Conroy, Janet
 Drake, Herbert
 Flanagan, Natalie
 Gargiulo, Louis
 Hurst, Sharleene
 Katsakiores, Phyllis
 Lovejoy, Marian
 Miller, Don
 Packard, Sherman
 Richards, David
 Skinner, Patricia
 Stritch, C. Donald
 Welch, David

STRAFFORD

Brown, George
 Gilmore, Gary
 Keans, Sandra
 McCann, William, Jr.
 Nehring, William
 Snyder, Clair
 Vincent, Francis

Brown, Julie
 Hambrick, Patricia
 Knowles, William
 McGrath, J. Gregory
 Pelletier, Arthur
 Sullivan, Henry
 Wall, Janet

Callaghan, Frank
 Hashem, Elaine
 Loder, Suzanne
 Merrill, Amanda
 Pelletier, Marsha
 Torr, Ann
 Wasson, Richard

Dunlap, Patricia
 Hemon, Roland
 Lundborn, Raymond
 Merritt, Deborah
 Rogers, Rose Marie
 Torr, Franklin
 Wheeler, Katherine

SULLIVAN

Allison, David
 Flint, Gordon
 Peyron, Fredrik

Behrens, Thomas
 Holl, Ann
 Rodeschin, Beverly

Burling, Peter
 Lindblade, Eric
 Schotanus, Merle

Cloutier, John
 Palmer, Lorraine
 Stamatakis, Carol

NAYS 65**BELKNAP**

Johnson, Carl

Rice, Thomas, Jr.

Young, Niel

CARROLL

Allard, Nanci
 Wiggin, Gordon

Chandler, Gene

Mock, Henry

Wiggin, Allen

CHESHIRE

Pearson, Gertrude

COOS

None

GRAFTON

Chase, Paul, Jr.

Rose, William

HILLSBOROUGH

Arnold, Thomas, Jr.
 Dodge, Emma
 Hart, Nick
 Kurk, Neal
 Perkins, Paul
 Riley, Frances
 Wells, Peter, Jr.

Borsa, Andrew
 Dykstra, Leona
 Hunter, Bruce
 McRae, Karen
 Peters, Stanley
 Tate, Joan
 Wright, George

Calawa, Leon, Jr.
 Ferguson, Charles
 Jean, Loren
 Packard, Bonnie
 Record, Alice
 Upton, Barbara

Daigle, Robert
 Hall, Betty
 Kelley, Dana
 Pepino, Leo
 Rheault, Lillian
 Weergang, Alida

MERRIMACK

Chandler, John

Hess, David

Kennedy, Richard

Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn

Beaulieu, Jon

Blake, Daniel

Chester, Sherman

Cote, Charles

Crum, William, Jr.

Hazelton, Robert

Hutchinson, Karen

Kruse, Fred

McKinney, Betsy

Moore, Benjamin

Pullman, Robert

Putnam, Ed, II

Rubin, George

Smith, Arthur

Sytek, John

Warburton, Calvin

Yennaco, Carol

STRAFFORD

Douglass, Clyde

Kincaid, William

McKinley, Robert

Musler, George

Torr, Ralph

SULLIVAN

Domini, Irene

and the motion was adopted by the necessary two-thirds.

RESOLUTION

Reps. Ann Torr and Trombly offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 810, shall be by this resolution read a first and second time by the therein listed title.

Adopted by the necessary two-thirds.

INTRODUCTION OF SENATE BILL**First and second reading**

SB 810, legalizing the Hanover school district special meeting held June 8 and 9, 1994.

REGULAR CALENDAR

SB 810, legalizing the Hanover school district special meeting held June 8 and 9, 1994.

Rep. Bean moved Ought to Pass and spoke in favor.

Reps. Copenhagen and Crory spoke in favor and yielded to questions.

Adopted.

Rep. Houlahan wished to be recorded in favor.

RULES SUSPENSION

Reps. Ann Torr, Trombly and Gorman moved that **SB 810**, legalizing the Hanover school district special meeting held June 8 and 9, 1994, be read a third time and passed.

Adopted by the necessary two-thirds.

Third reading and final passage

SB 810, legalizing the Hanover school district special meeting held June 8 and 9, 1994.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 810.

Rep. Dunn for the Committee

LEGISLATIVE ETHICS COMMITTEE**SPECIAL REPORT TO THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES****I. Introduction**

The Legislative Ethics Committee received a complaint regarding the action of Representative Roland E. Hemon in filing House Resolution 46, urging that impeachment proceedings be instituted against Strafford County Probate Judge Gary R. Cassavechia.

Following a review of the complaint and Representative Hemon's response thereto, the Ethics Committee conducted a preliminary investigation, in accordance with its procedural rules,

and determined that formal proceedings should be instituted to inquire into the complaint. A formal statement of charges was provided to Representative Hemon and a hearing was held before the Ethics Committee on May 18, 1994.

II. Complaint

The complainant has alleged that Rep. Hemon violated the principles set forth in the Ethics Guidelines, Article 1, Sections 1 and 2, Principles of Public Service. As further grounds for filing this complaint, the complainant stated that the damage caused to the judge by Rep. Hemon's actions could not have been caused in this manner were it not for Rep. Hemon's position. Upon review of the complaint, the Committee determined that the actions complained of also constituted a potential violation of Article IV, Section 3 of the Guidelines.

III. Findings of Fact

House Resolution 46 was filed by Rep. Roland Hemon for consideration by the New Hampshire House of Representatives during its 1994 session. This resolution, seeking the impeachment of the current Strafford county probate judge, is the first step required in the process established under the New Hampshire Constitution for removing a current judge from office (Pt. II, Articles 17 and 38).

The House Judiciary Committee held a hearing on HR 46 on January 7, 1994, and subsequently recommended (17-0) that the bill be found Inexpedient to Legislate. The House subsequently endorsed this recommendation and voted the bill Inexpedient to Legislate, 352-1.

Rep. Hemon filed HR 46 after almost a decade of litigation in the Strafford County Probate Court over the appointment of a guardian for his mother and subsequently the administration of her estate. The matter concerning the administration of her estate remains pending before the probate court judge.

At some time after the probate court proceedings began, Rep. Hemon raised the issue of the court's personal jurisdiction over his mother, contending that she was a resident of Maine at the time the guardianship proceedings were instituted. The court ruled against him, finding that jurisdiction did exist. Although Rep. Hemon appealed this finding several times to different courts, those courts found that the ruling of the probate court was correct.

Rep. Hemon stated that although he might have received the Ethics Committee booklet during orientation, he was not familiar with the Ethics Guidelines. He also stated that he was unfamiliar with any requirement that he file a conflict of interest form prior to participating in any way in the legislative process concerning House Resolution 46.

IV. Rulings

The committee finds that Rep. Hemon based his action solely on the rulings which the judge had issued against him in the probate court. In filing this resolution, Rep. Hemon used the power and resources of his office to pursue a private interest which did not serve the public good. As Rep. Hemon has stated, he chose to gain public exposure of his concerns by filing a legislative resolution. This is an action that a member of the general public would have been unable to take. Moreover, a process to review allegedly improper actions by judges was in place and Rep. Hemon opted to bypass it. The rulings by the several courts finding the probate court orders to be correct also supports a conclusion that Rep. Hemon used his office in a manner incompatible with the public good.

The committee found that the action taken by Rep. Hemon was intended to have a detrimental effect on the judge. In filing the resolution, Rep. Hemon in essence created another public forum in which to make allegations that had previously been determined to be unfounded. (It is important to note, that at no time did the committee receive any evidence that any of the judge's orders in this matter concerning jurisdiction had ever been reversed.) In so doing, Rep. Hemon hoped to prevent the judge from issuing further rulings which were not in Rep. Hemon's favor. The committee found that this action was a violation of Article IV, Section 3 and Article I, Section 1 of the Ethics Guidelines.

The committee also found that Rep. Hemon's long history with the judge in this matter prevented him from exercising independent objective judgment in filing the resolution and from deciding the action to be taken free of conflict of interest. In filing this resolution, Rep. Hemon therefore also violated Article I, Section 2 of the Ethics Guidelines.

The committee also notes its concern with Rep. Hemon's professed lack of knowledge of the Ethics Guidelines. All members of the General Court have been advised to familiarize themselves with these guidelines. Even if the filing of House Resolution 46 had not violated the Ethics Guidelines in any other manner, the Guidelines clearly require that a conflict of interest form should have been filed prior to Rep. Hemon taking any official activity on House Resolution 46. (Article V of the Ethics Guidelines.)

V. Conclusion

The committee recommends that Rep. Hemon be reprimanded by the House of Representatives for his disregard of the Ethics Guidelines. His actions were violative of four different provisions of the Guidelines and served no purpose other than his own private interest.

Dated at Concord, New Hampshire, this 15th day of June, 1994.

Respectfully submitted,
 Senator Richard L. Russman,
 Chairman Pro Tem

Reps. Amanda Merrill and Newman spoke in favor.

Rep. Hemon spoke against.

Roll call request sufficiently seconded.

The question being the ratification, as per RSA 14-B:4, VI, of the Ethics Committee report.

YEAS 302 - NAYS 14

YEAS 302

BELKNAP

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Golden, Paul
Hauck, William	Holbrook, Robert	Johnson, Carl	Lafam, Robert
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Turner, Robert
Young, Niel			

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy
Mock, Henry	Philbrick, Donald	Saunders, Howard	Wiggin, Gordon

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Cole, Stacey	DePecol, Benjamin	Delano, Robert	Hunt, John
Kingsbury, H. Thayer	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Perry, David	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Young, David	

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Guay, Lawrence
Harwell, Tyler	Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine
Mears, Edgar	Pratt, Leighton	Wiswell, James	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Brown, Patricia	Copenhaver, Marion	Crory, Elizabeth
Gordon, Edward	Guest, Robert	Ham, Bonnie	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	Nordgren, Sharon	Rose, William
Scanlan, David	Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen
White, Paul			

HILLSBOROUGH

Ahern, Richard	Ahrens, Frederick	Amidon, Eleanor	Arnold, Barbara
Arnold, Thomas, Jr.	Asselin, Robert	Bagley, Amy	Bergeron, Lucien
Bergeron, Normand	Borsa, Andrew	Bowers, Dorothy	Buckley, Raymond

Burke, M. Virginia
Clemons, Jane
Desrosiers, William
Dyer, Merton
Fields, Dennis
Gosselin, Gerald
Hart, Nick
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis
McCarty, Winston
Milligan, Robert
Morello, Michael
O'Hearn, Jane
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Toomey, Kathryn
Wheeler, Robert

Calawa, Leon, Jr.
Cote, David
Dodge, Emma
Dykstra, Leona
Foster, Linda
Greenberg, Gary
Healy, Daniel
Jean, Loren
Kirby, Thomas
Lessard, Rudy
McRae, Karen
Mittelman, David
Morrissette, Roland
O'Rourke, Joanne
Philbrook, Paula
Rodgers, G. Philip
Soucy, Donna
Turgeon, Roland
White, John

Cepaitis, Elizabeth
Daigle, Robert
Drolet, Paul
Emerton, Lawrence, Sr.
Franks, Suzan
Hall, Betty
Holley, Sylvia
Johnson, Lionel
Kurk, Neal
Lown, Elizabeth
Mercer, Robert
Moncrief, Keith
Murphy, Robert
Packard, Bonnie
Record, Alice
Sallada, Roland
Stewart, Thomas
Upton, Barbara
Wright, George

Chabot, Robert
Daniels, Gary
Durham, Susan
Ferguson, Charles
Gagnon, Eugene
Hanselman, Gregory
Holt, David
Kelley, Dana
Lachut, Ervin
Lozeau, Donnalee
Messier, Irene
Moore, Elizabeth
Nardi, Theodora
Pepino, Leo
Reidy, Frank
Sargent, Maxwell
Sullens, Joan
Vanderlosk, Stanley

MERRIMACK

Barberia, Richard
Chandler, John
Fillion, Paul
Holmes, Mary
Lockwood, Robert
Nichols, Avis
Teague, Bert
Whalley, Michael

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Houlahan, Thomas
Mitchell, Vernon
Owen, Derek
Trombly, Rick
Whitemore, James

Buessing, Marjorie
Dunn, Miriam
Gilbreth, Robert
Johnson, C. William
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane
Willis, Jack

Chandler, Earle
Feuerstein, Martin
Hager, Elizabeth
Kidder, William
Newland, Matthew
Shaw, Randall
Weeks, John, Jr.
Yeaton, Charles

ROCKINGHAM

Arndt, Janet
Bove, Martin
Christie, Andrew, Jr.
Conroy, Janet
Crum, William, Jr.
Felch, Charles, Sr.
Flanders, John, Sr.
Hurst, Sharleene
Katsakiores, Phyllis
Lee, Rebecca
McGovern, Cynthia
Noyes, Richard
Putnam, Ed, II
Rubin, George
Smith, Arthur
Sytek, John
Weyler, Kenneth

Beaulieu, Jon
Case, Margaret
Clark, Martha
Cote, Charles
Dowd, Sandra
Fesh, Robert
Gorman, Donald
Johnson, Robert
Klemarczyk, Thaddeus
Lovejoy, Marian
McKinney, Betsy
O'Keefe, Patricia
Raynowska, Bernard
Schanda, Joseph, Sr.
St. Martin, Tommy
Vaughn, Charles
Williamson, William

Bell, Juanita
Caswell, Albert, Jr.
Clark, Vivian
Cote, Patricia
Drake, Herbert
Flanagan, Natalie
Groves, Bonnie
Kane, Cecelia
Klemm, Arthur, Jr.
MacDonald, Maurice
Miller, Don
Pantelakos, Laura
Richards, David
Senter, Merilyn
Stritch, C. Donald
Warburton, Calvin
Woods, Deborah

Boucher, William
Chester, Sherman
Coes, Betsy
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Hemenway, Thomas
Katsakiores, George
Kruse, Fred
Malcolm, Kenneth
Newman, Rick
Pratt, Katharin
Rosencrantz, James
Skinner, Patricia
Sytek, Donna
Welch, David
Yennaco, Carol

STRAFFORD

Brown, Julie
Gilmore, Gary
Kincaid, William
McKinley, Robert
Pageotte, Donald
Snyder, Clair
Wall, Janet

Callaghan, Frank
Hambrick, Patricia
Knowles, William
Merrill, Amanda
Pelletier, Arthur
Sullivan, Henry
Wasson, Richard

Douglass, Clyde
Hilliard, Dana
Loder, Suzanne
Merritt, Deborah
Pelletier, Marsha
Torr, Ann
Wheeler, Katherine

Dunlap, Patricia
Keans, Sandra
Lundborn, Raymond
Nehring, William
Rogers, Rose Marie
Torr, Franklin

SULLIVAN

Allison, David
 Flint, Gordon
 Peyron, Fredrik
 Stamatakis, Carol

Behrens, Thomas
 Holl, Ann
 Rodeschin, Beverly

Burling, Peter
 Lindblade, Eric
 Schotanus, Merle

Cloutier, John
 Palmer, Lorraine

NAYS 14
BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Ahlgren, Madelyn
 Hunter, Bruce

Drabinowicz, A. Theresa
 Lefebvre, Roland

Dwyer, Patricia
 Holt, Mark

MERRIMACK

Kennedy, Richard

Stapleton, Henry

ROCKINGHAM

Aranda, M. Kathryn

Pullman, Robert

STRAFFORD

Hashem, Elaine

McCann, William, Jr.
 Vincent, Francis

SULLIVAN

Domini, Irene

and the report was ratified.

REPRIMAND

Speaker Burns: Rep. Hemon is hereby reprimanded and a copy of the Ethics Committee Report will be printed in the House Journal.

AMENDMENT TO HOUSE RULES

The House Rules Committee offered the following:

Amendment to **HR 50**, amending the House Rules for the 1994 session.

- | | | |
|--------------|-----------|--|
| SEPTEMBER 6 | - Tuesday | - First day to file state agency LSRs |
| SEPTEMBER 19 | - Monday | - First day for incumbents to file LSRs |
| NOVEMBER 1 | - Tuesday | - Final day to file (with complete information) all bill drafting requests resulting from 1994 interim-study work. |
| | | - Final day to file with the House Clerk all reports on bills sent to Interim Study in 1994. |
| NOVEMBER 14 | - Monday | - First day for new members to file LSRs |
| DECEMBER 2 | - Friday | - Last day for all members to file LSRs |
| DECEMBER 12 | - Monday | - Sign-off all FN bills |
| DECEMBER 19 | - Monday | - Sign-off all other bills |
| JANUARY 6 | - Friday | - Last day to introduce money bills |
| JANUARY 13 | - Friday | - Last day to introduce non-money bills |

Reps. Ann Torr and Trombly moved that the amendment to HR 50 be adopted.

Rep. Cole spoke in favor.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today it adjourn sine die.

Adopted.

UNANIMOUS CONSENT

Rep. Avery moved that the remarks by Rep. Cole be placed in the Journal.

Adopted.

Rep. Cole: Thank you Mr. Speaker. I am addressing my remarks to you as all good legislators should. Since I was appointed by you as your Deputy Speaker for this session, I have come to learn a great deal more about you than I did as a sitter in the seat of section 4, seat 5. I have had an opportunity to visit with many of our colleagues. I speak from the heart when I say that I have not once noticed you to operate this House in any way that may reflect upon the views that you hold personally. I have always known you to be a square shooter and to give every member of this House every opportunity to say what they wish to say; and if they needed any help and guidance you've been willing to give it to them. I can't think, Mr. Speaker, of all the Speakers I have known since I first became a member of this House back in 1965 and all of the years afterwards that I served as a lobbyist to the House and since 1988 as a member of the House again, I can't think of a Speaker who has been more fair, more honest, more sincere and more dedicated to this House than Harold W. Burns.

Rep. Record moved that the remarks of Rep. Burling be placed in the Journal.

Adopted.

Rep. Burling: I am no Stacey Cole, but I think I have to mirror what you have done. Mr. Trombly, you certainly led us well these two years. I bet there is a whole lot of people over there who have had migraine headaches for the last 24 months because you have managed to find a way to do it. I want to say to you as a friend who is going on, you have led us well; you've raised the standard of thought, of honor, of cooperation, of every thing this House stands for, to new heights for the Democratic party and I want to say congratulations.

Rep. Desrosiers moved that the remarks of Rep. Gorman be placed in the Journal.

Adopted.

Rep. Gorman: Thank you Mr. Speaker. I want to thank me for doing a wonderful job. It seems like a very short time since two years ago in January we were in here and this House voted to accept the Libertarians as an official party as part of your House. We have done everything in our power to drive you absolutely crazy in those last two years. To some degree, we have succeeded. I can remember several occasions when Representative Copenhaver would see me and say, "Are you going to be a" "No, I'm just doing my thing." I can remember the ladies over here in section two, most of them Democrats, coming right up out of their seats on the marriage bill one day like a tidal wave. We lost all of our bills on the floor save the tow-truck bill, actually changing the date of the tow-truck bill. You would think that anyone with a legislative history like that would be a whipped dog hanging around the corner, but I can assure you that the Libertarian delegation is small in size but big in spirit. Like a small ship going against a large ship in a side-by-side sea battle with our masts splintered and our sails wrecked and our hull full of water and we are sinking and through the smoke comes, "Do you strike?" Comes the answer, "Hell no! We are getting ready to board you." I don't know that there will be any Libertarians here next term. There is no way to know. It will be up to the voters. We will take our record of the bills that we have put in of a smaller government, a less intrusive government, a less expensive government to the voters. Hopefully, they will see the wisdom of that and they will return legislators of the Libertarian persuasion to this House. I may or not be among them. There may be none. There may be two or three dozen. I can say this. It has been absolutely fantastic. I have not led a dull and uninteresting life. This has been two of the greatest years of my life. Working with Rick Trombly, working with the Speaker, Ann Torr, Shawn Jasper and a whole bunch of people. I have made some great friends, gone places, done things I would never be able to do and I speak for the whole delegation. We've been all over the country. It has been an absolutely phenomenal experience and we the delegation want to thank you for our present position. Thank you and God bless you.

Rep. Ann Torr moved that the remarks of Rep. Trombly be printed in the Journal.

Adopted.

Rep. Trombly: Mr. Speaker and members of the House: Before I begin I wish to recognize two Democrats who will not be returning, although we will be missing every person regardless of his party affiliation. Charlie Leclerc, who served 44 years in this House, is not running for re-election and I think serving 44 years in this House is a remarkable achievement and we will most certainly miss Charlie. The other person who is leaving is the sole Democrat, I believe, in section 5. After 20 years, Bill Kincaid is not going to be returning from Dover.

Can you imagine Don Gorman standing up here? He has no Democrat, no Republican and he is a Libertarian. Ann's got a Democratic opponent. The Speaker has a Democratic opponent. I have a Republican opponent. And he doesn't know if he is coming back. Unbelievable Don. Bob Murphy, in the paper the other day, I was informed there was an article about you. I think the people in this House should share just a little piece of your life as it was written in that newspaper. On D-day, at the age of 23, a captain in command of six launching craft, one of which was lost, you survived. You fought bravely; fought the rest of World War II; went on to see service in Korea and Vietnam and you returned and retired a Colonel. And I am proud of you Bob. Thank you for what you have done. I'm sure that Bob's acts of valor can be well matched by many members of this House. I know that at the end of the session and especially on a day like today, we all want to go home but I feel that I must rise. This has been a particularly difficult session. The loss of Caroline and Jim and personally the loss of Maggie Terninko have created huge voids that will never be filled. I'm not certain whether they should be filled, because maybe if they were filled they might be forgotten. They will always be remembered for the good that they did. I echo remarks that the Deputy Speaker made about this Speaker. I have not always been cooperative. I've tried, when we could be cooperative; when I thought we should be cooperative. I have developed what I consider a wonderful relationship with the new Majority Leader, Ann Torr. My only regret with Frank sitting one seat away from me, albeit it is Channing and an aisle between us, I've had to stop swearing at the Republic leadership. Ann, you have been particularly gracious. You know what I know, as I said to the Democrats this morning in caucus. There is no manual for trying to lead and blend together people who are conservatives, liberals and moderates and try to develop a policy that we hope will move the state forward. It is a difficult job. It is one for which we ask and I wouldn't give it up for the world, Ann, and I'm sure you wouldn't do it either. Shawn, I will miss you. You have been the best whipping boy the Democrats could ever have. You have been kind. You have been partisan. I think the best thing that could have happened is that you now leave to parent your new born daughter. I congratulate you for that. I really wish you the best of luck. I'll miss you only because I won't get 15 or 16 votes because Jasper is for or against it. Finally, I thanked the Democrats today in caucus and I would be remiss if I didn't thank you, the Republicans. It is a difficult task to sponsor legislation and try and work hard being a minority of almost two-to-one. Believing as we believe that it is best to be constructive and move the ball forward and try to do what we can do for the good of the people. But, obviously, we differ on what is good for the people. That is why we disagree. I have at all times tried to lead a Democratic party that has been creative and tried to be constructive and work with the Republicans here in the House and, by all means, to let you have it when I think you deserve it. I will continue to do that as I expect to take an equal measure when you believe I deserve it too. The great marketplace of ideas is this legislature. The sad thing is some 80 members will be leaving voluntarily. I'm going to do my best and Ann will do her best and the Speaker will do his best to see that more leave involuntarily. I hope, Mr. Speaker, from the very bottom of my heart that gentleman that you have been and the gentlelady that you married, by the way, that this is the last session over which you preside as Speaker. I will try very hard to learn how to bang that gavel with as much grace as you do. I thank you all for the lesson. I have grown not only in the waistline but I feel I have grown in stature because you have helped me. I could not do what I do without your help on all three sides of the aisle. To my leadership team, thank you. We will be back in two years. Thank you all.

Rep. Buckley moved that the remarks of Rep. Ann Torr be printed in the Journal.

Adopted.

Rep. Ann Torr: Thank you very much Mr. Speaker. I am not about to try to be as eloquent as the Democratic leader has been and as gracious as he has been other than to say thank you very much. On behalf of the Republicans, I would like to thank all of the Democrats for having made this session very interesting and very successful. It has been nice working with you. We enjoy the majority. We intend to come back with a majority, but we would like to see you back as well so that we can continue to work with you. I also thank the Libertarians; the whole delegation. We would very much like to see you back. Don, if your predictions are accurate, we expect that we will see more of you. I understand that you are really putting the pressure on for an office, so we are looking. To all of you Republicans, thank you very much for everything. To the members who are not returning, the Chairman and the Vice Chairman who have given so much to this state, so much to this institution, we say thank you. We also say thank you to the rank-and-file. We certainly can do nothing without you. Thank you everyone. To those returning, hurry back. Have a nice restful summer and come back ready to work. Thank you.

Reps. Hurst, Malcolm, Laflam, Drake and Guay addressed the House.

Rep. Ann Torr moved that the House adjourn sine die.

Adopted.

The House adjourned at 5:55 p.m.

Clerk's Note: As per HR 4 of the 1993 Session (adopted 12/2/92), all floor sessions for the 1993-94 biennium were tape recorded. Those tapes reside at either the State Library or the State Archive.

Attested by

Leo J. Callahan

Acting House Clerk

EXTENDED CHAPTERED STUDY COMMITTEES

(The reporting deadlines for the following nine committees were extended by HB 1574, Chap. 156, Laws of 1994)

REAL ESTATE VALUATION AND REEVALUATION STUDY, created by HB 1209, Chap. 73:4, Laws of 1992, amended by HB 220, Chap. 122:2, Laws of 1993.

TAX-EXEMPT PROPERTY STUDY, created by HB 1351, Chap. 81:1, Laws of 1992, amended by HB 498, Chap. 18:2, Laws of 1993.

LONG TERM CARE STUDY, created by HB 396, Chap. 37:4, Laws of 1993.

CONTRACTING SERVICES BY STATE, created by SB 134, Chap. 153:5, Laws of 1993.

CONVENTION CENTER FACILITY STUDY, created by SB 248, Chap. 228:6, Laws of 1993.

PET OVERPOPULATION STUDY, created by HB 406, Chap. 246:4, Laws of 1993.

RECYCLING TASK FORCE, created by HB 140, Chap. 292:1, Laws of 1993.

LOCAL PLANNING NEEDS STUDY, created by HB 243, Chap. 296:3, Laws of 1993.

STATE'S ECONOMIC DEVELOPMENT ACTIVITIES STUDY, created by HB 592, Chap. 309:4, Laws of 1993.

STATUTORY APPOINTMENTS - 1994

HB 123 (Chapter 35, Laws of 1994) METRIC LINEAR MEASURES AND METRIC VALUES STUDY

Reps. Karen K. McRae and Ralph J. Rosen, appointed by the Speaker of the House.

Sens. Burton J. Cohen and Sheila Roberge, appointed by the President of the Senate.

Gilbert S. Rogers, designee of the Commissioner of Transportation.

Captain Dwight Dodd, designee of the Commissioner of Safety.

The Attorney General, or designee.

HB 308 (Chapter 15, Laws of 1994) SAU VOTE OPTION FOR SCHOOL DISTRICT STUDY

Reps. Patricia M. Skinner, Nils H. Larson, Jr. (rural SAU), Richard L. Champagne (urban school district) and Vivian R. Clark (multi-district SAU), appointed by the Speaker of the House.

Sens. John A. King (urban school district), Carole A. Lamirande (rural SAU), David P. Currier (multi-district SAU) and Eleanor P. Podles, appointed by the Senate President.

HB 599 (Chapter 126, Laws of 1994) CHARTER SCHOOL IMPLEMENTATION STUDY

Sens. George F. Disnard (Chair of Education), David P. Currier (Education) and Beverly A. Hollingworth (Appropriations), appointed by the Senate President.

Reps. Patricia M. Skinner (Chair of Education), Nils H. Larson, Jr. (Education), and Neal M. Kurk (Appropriations), appointed by the Speaker of the House.

Robert Scott, appointed by the Governor.

The Commissioner of Education or designee.

Maureen Kelley, Bedford, appointed by the New Hampshire School Boards Association.

Dr. Bill Wheeler, East Swanzey, appointed by the New Hampshire School Administrators Association.

One representative of the New Hampshire Association of School Principals, appointed by that association.

Fred Place, President NEA-NH, appointed by the New Hampshire chapter of the National Education Association.

Edward Phaneuf, Pembroke, appointed by the American Federation of Teachers.

Tracy S. Hatch, Nashua, appointed by the State Board of Education.

Three parents of children currently enrolled in New Hampshire public schools, one of whom has a child enrolled in a single district SAU and one of whom has a child enrolled in a multi-district SAU, all appointed by the Governor.

One elementary public school teacher, appointed by the Commissioner of Education.

One secondary public school teacher, appointed by the Commissioner of Education.

Todd deMitchell, representative of the Department of Education, College of Liberal Arts, University System of New Hampshire, appointed by the Chancellor.

HB 635 (Chapter 127:2, Laws of 1994) RESIDENTIAL CARE FACILITIES RATE STRUCTURE STUDY

Sens. John A. King, Ann J. Bourque and Eleanor P. Podles, appointed by the President of the Senate.

Reps. Margaret A. Lynch (Appropriations), Eleanor H. Amidon (Health, Human Services and Elderly Affairs) and Robert F. Chabot, appointed by the Speaker of the House.

Deborah Wallace, Warner (He-P 805) and Gary Cahoon (He-P 804), representing providers, appointed by the New Hampshire Association of Residential Care Homes.

Joyce Fisher, Division of Human Services, Department of Health and Human Services, appointed by the Commissioner of the Department of Health and Human Services.

Rich Crocker, Division of Mental Health and Developmental Services, Department of Health and Human Services, appointed by the Commissioner of the Department of Health and Human Services.

Sue Tomasz-Alpher, representing community residence providers, appointed by the Commissioner of the Department of Health and Human Services.

HB 660 (Chapter 343, Laws of 1994) STATE CRIMINAL FORFEITURE LAW FEASIBILITY STUDY

Reps. Donna P. Sytek (Corrections and Criminal Justice), Henry P. Mock (Judiciary) and Rick G. Newman (Judiciary), appointed by the Speaker of the House.

Sens. Burton J. Cohen and Thomas P. Colantuono (Judiciary), appointed by the Senate President.

William H. Lyons, Sr., designee of the Attorney General.

Robert Gilbert, appointed by the Governor.

Paul A. Maggiotto, Esq., appointed by the NH Bar Association and R. David DePuy, appointed by the NH Trial Lawyers Association.

Chief John R. Gardiner, Carroll, appointed by the association.

Claire Ebel, Concord, appointed by the New Hampshire American Civil Liberties Union.

HB 661 (Chapter 311:3, Laws of 1994) RAILROAD OVERPASS ON NH 135 STUDY

Sens. Kenneth J. MacDonald (Transportation) and Carole A. Lamirande (Coos County), appointed by the Senate President.

Reps. Winston H. McCarty (Public Works) and Harold W. Burns (Coos County), appointed by the Speaker of the House.

Gilbert Rogers, designee of the Commissioner of the Department of Transportation.

Donald F. Mooney, selectman from the town of Dalton, appointed by the board of selectmen. Alternates: John Duval and Vern Sweeney.

One representative from the Maine Central Railroad Company, appointed by the company. Sharon A. Penney, designee of the Executive Director of the North Country Council, who shall be a nonvoting member.

HB 1100 (Chapter 265, Laws of 1994) WOLF HYBRIDS ISSUE STUDY

Sens. Sheila Roberge and Burton J. Cohen, appointed by the President of the Senate.

Reps. Charles H. Cote and Paul A. McGuirk, appointed by the Speaker of the House.

Clifford W. McGinnis, Commissioner of the Department of Agriculture.

The Executive Director of the Department of Fish and Game, or designee.

Russell Pope, Keene, appointed by the New Hampshire Federation of Humane Societies.

Two owners of wolf hybrids, appointed by the Governor.

Dr. Brad Taylor, Boscawen, appointed by the New Hampshire Veterinarians Association.

Elizabeth Holmes, North Conway, appointed by the New Hampshire Municipal Association.

The Executive Director of the New Hampshire Wildlife Federation, or designee.

One AKC registered dog owner, appointed by the Governor.

Two present or former wolf hybrid breeders, appointed by the Governor.

One wolf ecologist, appointed by the Governor.

HB 1135 (Chapter 413, Laws of 1994) RESOLUTION OF FAMILY ISSUES WITHIN THE STATE COURT SYSTEM STUDY

Eight members appointed by the Judicial Council, consisting of the members appointed to conduct the study originally authorized by 1993, 358:11 or their replacements in the event of resignation.

Elizabeth D. Lown, chair of the House Judiciary Committee.

Sen. Eleanor P. Podles, chair of the Senate Judiciary Committee.

Reps. Nick Hart and Marjorie H. Battles, appointed by the Speaker of the House.

Sens. Barbara J. Baldizar and Thomas P. Colantuono, appointed by the Senate President.

Susan Carbon and Philip Waystack, appointed by the Judicial Council in consultation with the New Hampshire Bar Association.

Dr. Paul Shagoury, appointed by the Judicial Council.

Lorrie Lutz, Director of the Division for Children, Youth, and Families. Alternate: Nancy Rollins

HB 1154 (Chapter 109, Laws of 1994) ARBITRATION BOARD FOR RECREATIONAL VEHICLE DEFECTS STUDY

Sens. Clesson J. Blaisdell and Kenneth J. MacDonald, appointed by the President of the Senate.

Reps. John B. Hunt and Fedrik Peyron, appointed by the Speaker of the House.

George Seymour, Hillsboro, appointed by the new motor vehicle arbitration board established in RSA 357-D:5.

One recreational vehicle dealer, appointed by the Governor.

Jeffrey Hirsh, appointed by the Governor.

HB 1184 (Chapter 110, Laws of 1994) FOREIGN EXCHANGE STUDENT PROGRAMS IN NH STUDY

Reps. Jane E. O'Hearn and William A. Riley (Education), appointed by the Speaker of the House.

Sens. George F. Disnard and Eleanor P. Podles, appointed by the Senate President.

Robert Fournier, designee of the Commissioner of Education.

One representative from the American Field Service Organization, appointed by that organization.

Kristie R. Johnson, appointed by A.Y.U.S.A. International.

The superintendent of a receiving district, or designee.

William J. Clancy, the superintendent of a sending district.

HB 1189 (Chapter 98:12, Laws of 1994) CLEAN AIR ACT AMENDMENTS IMPLEMENTATION IN NH STUDY

Reps. Jeb E. Bradley, M. Kathryn Aranda, Amanda A. Merrill and Daniel M. Burnham (Environment and Agriculture), appointed by the Speaker.

Sens. Richard L. Russman and Debora B. Pignatelli, appointed by the Senate President.

One member of the public, appointed by the Governor.

The Commissioner of the Department of Safety, or designee.

Ansel Sanborn, designee of the Commissioner of the Department of Transportation.

Gilbert Cox, designee of the Commissioner of the Department of Environmental Services. (Alternate: Thomas Noel)

The Commissioner of the Department of Resources and Economic Development, or designee.

HB 1208 (Chapter 137, Laws of 1994) UNDOCUMENTED MOTORIZED VESSELS IN NH WATERS FEASIBILITY STUDY

Val Berghaus, Revenue Counsel, appointed by the Commissioner of the Department of Revenue Administration.

John J. Irwin, Lakeport, appointed by the New Hampshire Marine Trades Association.

Rep. Gordon E. Bartlett, appointed by the Chair of the Governor's Boating Advisory Committee.

Robert Turner, Director of Motor Vehicles, Division of the Department of Safety, appointed by the Commissioner.

John MacDonald, appointed by the Director of the Division of Safety Services.

Rep. Kenneth W. Malcolm, appointed by the Speaker of the House.

One Senator, appointed by the President of the Senate.

John McCarthy, appointed by the Governor.

HB 1242 (Chapter 140, Laws of 1994) METRIC SYSTEM ADOPTION BY STATE AGENCIES ETC. IN NH STUDY

Reps. Ralph J. Rosen and Arthur J. Pelletier, appointed by the Speaker of the House.

Sens. Shelia Roberge and Deborah B. Pignatelli, appointed by the President of the Senate.

Gil Rogers, P.E., Concord, designee of the Department of Transportation.

Richard P. Cote, designee of the Commissioner of the Department of Agriculture.

The Commissioner of Education, or designee.

A representative of the Business and Industry Association of New Hampshire, appointed by such association.

HB 1260 (Chapter 349:3, Laws of 1994) PUBLIC EDUCATION FUNDING ISSUES TASK FORCE STUDY

The Governor or designee.

Rep. Stacey W. Cole, appointed by the Speaker of the House.

Sen. Ralph Degnan Hough, President of the Senate.

Rep. Ann M. Torr, Majority Leader of the House.

Rep. Rick Trombly, Minority Leader of the House.

Sen. Joseph L. Delahunty, Republican Leader of the Senate.

Sen. George F. Disnard, Democratic Leader of the Senate.

Sens. Clession J. Blaisdell (Finance Executive Chairman), John A. King and C. Jeanne Shaheen, appointed by the Senate President.

The Chairpersons of the Appropriations, Ways and Means, and Education Committees of the House.

Jeffrey R. Howard, the Attorney General.

Ovide Lamontagne, Chairperson of the State Board of Education.

HB 1270 (Chapter 73, Laws of 1994) MUNICIPAL BUDGET ACT CHANGES IN SCHOOL DISTRICT LAWS STUDY

Reps. Nils H. Larson, Jr. (Education) and Richard Noyes (Municipal and County Government), appointed by the Speaker of the House.

Sens. George F. Disnard (Education) and David P. Currier (Executive Departments and Administration), appointed by the Senate President.

Lydia Angell, Hudson, Robert L. Wheeler (Selectman), Goffstown and Martha S. Roy, Raymond, appointed by the Municipal Association.

Bernie Davis, Penacook and Michael Everngam, Durham, appointed by the Association of School Business Administrators.

Barbara Reid, Assistant Commissioner, designee of the Department of Revenue Administration.

Patricia Busselle, appointed by the Commissioner of Education.

Dean Michener, Director of Information Services, appointed by the New Hampshire School Boards Association.

HB 1300 (Chapter 270, Laws of 1994) PER DIEM COMPENSATION FOR STATE BOARDS AND SUPERIOR COURT BAILIFFS STUDY

Reps. Arthur P. Klemm, Jr. (Appropriations) and William P. Boucher (Executive Departments and Administration), appointed by the Speaker of the House.

Sens. Beverly A. Hollingworth (Appropriations) and Thomas Colantuono (Executive Departments and Administration), appointed by the President of the Senate.

Jean Barnes, appointed by the Governor.

HB 1327 (Chapter 322, Laws of 1994) FRESHWATER AND SALTWATER AQUACULTURE LEGISLATION STUDY

Reps. Leighton C. Pratt (Environment and Agriculture), Derek Owen (Environment and Agriculture) and Clyde J. Douglas (Wildlife and Marine Resources), appointed by the Speaker of the House.

Stephen H. Taylor, designee of the Commissioner of the Department of Agriculture. Alternates: Gail D. McWilliam.

Nancy L. Girard, designee of the Executive Director of the Department of Fish and Game. Sens. Burton J. Cohen, George A. Lovejoy and George F. Disnard, appointed by the Senate President.

Ian Walker, appointed by the Governor.

HB 1343 (Chapter 352, Laws of 1994) INTERACTIVE COMMUNICATION SYSTEM AMONG PUBLIC SCHOOLS STUDY

Reps. Suzan L. Franks (Education) and Stanley W. Peters (Science, Technology and Energy), appointed by the Speaker of the House.

Sens. Ann J. Bourque (Education) and Carole A. Lamirande, appointed by the Senate President.

Elizabeth Noyes, Durham, designee of the Chancellor of the University System of New Hampshire. Alternate: Steven Cone, Keene

Dr. Judith Fillion, designee of the Commissioner of Education.

The Commissioner of Administrative Services or designee.

One representative of the cable industry, appointed by the New England Cable Television Association.

Erle Pierce, Manchester, appointed by the New Hampshire Telephone Association.

Frank A. Windsor, appointed by the Director of New Hampshire Public Television.

Douglas L. Patch, Chairman, Public Utilities Commission, appointed by the commission.

Ed Briggs (rural district) and Edgar Melanson (city district), appointed by the New Hampshire School Administrators Association.

Dorinda Gibney, appointed by the Commissioner.

One representative of the Governor's Task Force on Technology.

The Commissioner of Postsecondary Technical Education, or designee.

One public high school student who is familiar with communication technology, appointed by the New Hampshire Association of School Principals.

Joan Dobzanski, Manchester, appointed by the Non-public School Advisory council, appointed by the chairperson of the council.

One media and technology educator working in secondary vocational technical education, appointed by the Technology Education Consortium of New Hampshire.

HB 1343 (Chapter 352:4, Laws of 1994) SUICIDE AMONG YOUNG PEOPLE STUDY

Sens. Ann J. Bourque and Carole A. Lamirande (Education), appointed by the Senate President.

Reps. Marjorie B. Buessing (Education) and Eugene L. Gagnon, appointed by the Speaker of the House.

David Dubreuil and Benjamin Hardy, appointed by the Governor.

Shelia Jones, appointed by the Governor.

Carol Droznick, appointed by the Governor.

The president of the New Hampshire School Boards Association, or designee.

Edgar Melanson, Franklin, designee of the New Hampshire School Administrators Association. (Alternates: Ed Briggs, Charles Gaides)

The president of the New Hampshire School Principals Association, or designee.

Patricia Branscombe, designee of the President of the New Hampshire Association of School Counselors.

Maureen Angelini, designee of the Director of the Division of Public Health Services, Department of Health and Human Services.

One high school educator, appointed by the National Education Association.

One high school educator, appointed by the American Federation of Teachers.

The Director of Mental Health and Developmental Services, or designee.

Dr. Suzanne Boulter, President of the New Hampshire chapter of the American Academy of Pediatrics.

The Commissioner of Education, or designee.

HB 1367 (Chapter 75, Laws of 1994) STATEWIDE MASS TRANSPORTATION AND AIR QUALITY ADVISORY STUDY

Reps. Thomas G. Cain and Jeb E. Bradley, appointed by the Speaker of the House.

Sens. Burton J. Cohen and John S. Barnes, Jr., appointed by the Senate President.

Cliff Sinnott, Exeter, representing metropolitan planning organizations, appointed by the New Hampshire Association of Regional Planning Commissions.

Ned Connel, Lebanon, representing rural planning commissions, appointed by the New Hampshire Association of Regional Planning Commissions.

Four elected local officials, appointed by the New Hampshire Municipal Association.

Two members of the public with experience in local or regional transportation planning, appointed by the Governor.

Ansel Sanborn, designee of the Commissioner of the Department of Transportation.

Kathleen Brockett, designee of the Commissioner of the Department of Environmental Services.

The Commissioner of the Department of Transportation or designee, as provided in subparagraph I(g), shall call the first meeting. At the first meeting, the committee shall elect a chairperson and a vice-chairperson from its membership.

HB 1368 (Chapter 245, Laws of 1994) GOVERNMENTAL REORGANIZATION COMMISSION STUDY

Reps. Lawrence A. Emerton, Sr., Michael Morello and Richard T. Trelfa, appointed by the Speaker of the House.

Rep. Katherine D. Rogers, appointed by the Democratic Leader.

Sens. David P. Currier, John S. Barnes, Jr. and Deborah B. Pignatelli, appointed by the Senate President.

Ralph Brickett, appointed by the Governor.

Georgie A. Thomas, State Treasurer (Alternate: Michael Ablowich)

The Secretary of State, or designee.

Two public members from the state's business community, at least one representing small business, appointed by the Governor. For purposes of this appointment, the term "small business" shall mean a business with 25 or fewer employees.

Richard Amidon, Hancock (public member appointed by the Speaker) - Two public members appointed one each by the Speaker of the House of Representatives and the President of the State Senate.

Denis Parker and Dennis Martino, appointed by the State Employees Association, Inc.

Sara Willingham, nonunion member, designated by the Division of Personnel, Department of Administrative Services.

HB 1379 (Chapter 275, Laws of 1994) GOVERNMENT OPERATIONS IMPLEMENTATION STUDY

Rep. John P. Chandler, appointed by the Speaker and a representative who shall be the chairperson of the Executive Departments and Administration Committee, or designee.

Sen. David Currier, appointed by the President of the Senate and a senator who shall be the chairperson of the Executive Departments and Administration committee, or designee.

The Commissioner of Administrative Services, or designee.

Ralph Brickett, appointed by the Governor.

One member nominated by the State Employees Association, Inc., appointed by the governor.

HB 1382 (Chapter 374, Laws of 1994) TOLL COLLECTION SYSTEM STUDY

Jack Flanders, appointed by the Governor.

Reps. Edwin O. Smith (representing a municipality that does not have direct access to the turnpike system) and Gary C. Greenberg (representing a municipality that has direct access to the turnpike system), appointed by the Speaker.

Sens. Barbara Baldizar (direct access) and Kenneth MacDonald (does not have direct access), appointed by the President of the Senate.

John Clement, designee of the Commissioner of the Department of Transportation.

Bernard A. Streeter, Jr., appointed by the Governor.

David A. Juvet, appointed by the American Automobile Association (AAA).

Joseph Bontatibus (Alternate: John Franz), appointed by the Governor.

HB 1390 (Chapter 323, Laws of 1994) NH/VERMONT SOLID WASTE PROJECT FINANCIAL CRISIS STUDY

Reps. Gordon B. Flint, Fredrik Peyron, John R. Cloutier and Thomas A. Behrens, appointed by the Speaker of the House.

Reps. Richard Trelfa and M. Kathryn Aranda, members of the House Environment and Agriculture Committee who do not represent any of the member municipalities, appointed by the Speaker of the House. The first member appointed shall chair the committee. Both members shall be nonvoting members.

Sens. George F. Disnard, Richard L. Russman, Clesson J. Blaisdell and Kenneth J. MacDonald, appointed by the Senate President.

HB 1398 (Chapter 196:1, Laws of 1994) PORT AUTHORITY/PEASE TRADE CENTER RAIL LINK STUDY

Reps. David L. Richards, Robert S. Mercer and Charles L. Vaughn, appointed by the Speaker of the House.

Sens. C. Jeanne Shaheen and Burton J. Cohen, appointed by the President of the Senate.

James F. Marshall, designee of the Commissioner of the Department of Transportation.

A representative of the Seacoast Metropolitan Planning Commission, appointed by such commission.

One public member, appointed by the Governor.

L. Eugene Schneider, Executive Director of the Pease Development Authority.

The Port director of the New Hampshire Port Authority, or designee, who shall be ex officio, nonvoting members.

The commander of the Portsmouth Naval Shipyard, or designee, ex officio.

Richard Willey, North Billerica, appointed by Guilford Transportation, ex officio.

HB 1447 (Chapter 376:4, Laws of 1994) TEMPORARY LICENSE FOR NURSE PRACTITIONERS STUDY

Rep. Marion L. Copenhaver, appointed by the Speaker of the House.

Sen. Eleanor P. Podles, appointed by the President of the Senate.

One public member, appointed by the Governor.

Audrey Knight, designee of the Director of the Division of Public Health Services.

Doris Nuttelman, appointed by the New Hampshire Board of Nursing.

Elaine Hoyt, appointed by the New Hampshire Nurses Association.

A representative of each of the following practice categories, appointed by the New Hampshire Nurse Practitioners Association:

Peter Pirnie, Plymouth, certified registered nurse anesthetist.

Patricia Dahne, Concord, psychiatric mental health clinical nurse specialist.

Deirdre Fuller Weisner, Bow, primary care nurse practitioner.

Mary Bidgood, Center Harbor, certified nurse midwife.

HB 1458 (Chapter 277, Laws of 1994) MAXIMIZATION OF REVENUES FROM NH SWEEPSTAKES STUDY

Sen. Clesson J. Blaisdell, designee of the Senate President.

Rep. Suzan L. Franks, designee of the Speaker of the House.

George Dana Bisbee, designee of the Attorney General.

Judith Fillion, designee of the Commissioner of Education.

James E. Wimsatt, Executive Director of the Sweepstakes Commission.

HB 1484 (Chapter 378, Laws of 1994) TAX-EXEMPT PROPERTY REVIEW STUDY

Three Senators, appointed by the Senate President.

Reps. David W. Hess, Elizabeth A. Cepaitis and Donald P. Pageotte, appointed by the Speaker of the House.

One representative of the New Hampshire Business and Industry Association, appointed by such association.

One member of the New Hampshire School Board Association, appointed by such association.]

Linda Kennedy, designee of the Commissioner of the Department of Revenue Administration.

William B. Cullimore, Director of the Charitable Trusts section of the Department of Justice, appointed by the Attorney General.

One representative from a tax-exempt hospital, appointed by the Governor.

Msgr. John E. Molan, appointed by the Governor.

One representative of Postsecondary Education, appointed by the Governor.]

Julia Griffin, New Hampshire Municipal Association, appointed by the association. (Alternate: Laurence Wood)

Jean R. Wallin, Concord, appointed by the Granite State Association of Non-Profits.

One representative of the New Hampshire Association of Commerce and Industry, Inc., appointed by such association.

One representative of the New Hampshire Tax Assessors Association, appointed by the association.

Kathleen Salisbury, Durham, appointed by the University System of New Hampshire.

Thomas R. Horgan, Bedford, Executive Director, New Hampshire College and University Council.

Jameson French, Portsmouth, appointed by Arts 1000

Paul Franklin, appointed by the Board of Tax and Land Appeals.

One member of the Non-public School Advisory Council, appointed by the council.

HB 1495 (Chapter 253:3, Laws of 1994) PARI-MUTUEL TAX STRUCTURE IN NH STUDY

Sens. Clesson J. Blaisdell (chair of the Senate Finance Executive) and Kenneth J. MacDonald (Ways and Means) appointed by the Senate President.

Reps. Barbara L. Spear (Ways and Means Committee) and Robert N. Kelley (Regulated Revenues Committee), appointed by the Speaker.

Timothy J. Connors, Chairman of the Pari-mutuel Commission.

Edward M. Callahan (Rockingham Park), Allan E. Hart (Lakes Region Greyhound Park) -

A representative of each Pari-mutuel Licensee, appointed by each licensee.

HB 1506 (Chapter 154:3, Laws of 1994) VOTER REGISTRATION BY MAIL STUDY

The Secretary of State, or designee.

The Attorney General, or designee.

Sen. Sheila Roberge (Majority) and Sen. Debora Pignatelli (Minority), appointed by the President of the Senate.

Reps. Carol H. Holden (Majority) and Gary R. Gilmore (Minority), appointed by the Speaker of the House.

Clyde E. Terry, appointed by the Governor.

Steve Edwards, appointed by the Governor.

One member appointed by the New Hampshire City and Town Clerks' Association.

HB 1523 (Chapter 282, Laws of 1994) STATE VETERANS' CEMETERY OVERSIGHT COMMITTEE STUDY

The Governor or designee.

Reps. James J. Fenton, David A. Welch and Dennis H. Fields, appointed by the Speaker of the House.

Sens. Burton J. Cohen, David P. Currier and John S. Barnes, Jr., appointed by the Senate President.

Conrad V. Moron, Director State Veterans' Council, appointed by the council.

Kenneth Leidner, Chairman of the State Veterans' Advisory Committee, appointed by the committee. (Alternate: Byron Buckingham)

HB 1534 (Chapter 254, Laws of 1994) SOLID WASTE PLANNING IN NH TASK FORCE STUDY

Chris Simmers, designee of the Commissioner of the Department of Environmental Services.

The Director, Division of Solid Waste Management, Department of Environmental Services, or designee.

G. Bradley Richards, Portsmouth, Chairman of the Waste Management Council.

Two town officials, appointed by the New Hampshire Municipal Association.

Two city officials, appointed by the New Hampshire Municipal Association.

Don E. Zizzi, Nashua and Manindra N. Sharma, Manchester, directors of regional planning commissions, appointed by the New Hampshire Association of Regional Planning Commissions.

Michael P. Donahue, Concord, representing the solid waste management industry, appointed by the Business and Industry Association.

Robert D. Steele, Rochester, representing solid waste haulers, appointed by the Business and Industry Association.

John Musick, Nashua, representing expertise in the area of industrial and commercial waste management, appointed by the Business and Industry Association.

Rep. George T. Musler, Chairman, House Environment and Agriculture Committee Chairman.

Sen. Richard L. Russman, appointed by the President of the Senate.

The Director of the Office of State Planning, or designee.

HB 1568 (Chapter 284, Laws of 1994) INDOOR AIR POLLUTION STUDY

Reps. Robert F. Chabot (Health, Human Services and Elderly Affairs), William E. Williamson (Education), Rebecca E. Lee (Environment and Agriculture) and Gary R. Gilmore (Science, Technology and Energy), appointed by the Speaker of the House.

Sens. Burton J. Cohen and Leo W. Fraser, Jr., appointed by the President of the Senate.

Brook Dupee, designee of the Director of the Division of Public Health Services.

Edward Taylor, designee of the Commissioner of Education.

One public member, appointed by the Governor.

HB 1581 (Chapter 157, Laws of 1994) UNH COOPERATIVE EXTENSION STUDY

Rep. H. Charles Royce, Jaffrey designee of the House Resources, Recreation and Development Committee.

Robert Horsburgh, Fremont, designee of the Senate Environment Committee.

Rep. Merle W. Schotanus designee of the House Appropriations Committee.

Sen. C. Jeanne Shaheen designee of the Senate Finance Executive Committee.

Rep. Rebecca E. Lee, Derry, designee of the House Environment and Agriculture Committee

Rep. Patricia M. Skinner, chairperson of the House Education Committee.

Sen. George F. Disnard, chairperson of the Senate Education Committee.

One member of the New Hampshire Association of Counties, appointed by the association.

Hon. John F. Weeks, Concord, appointed by the Board of Trustees, University System of New Hampshire.

SB 523 (Chapter 399, Laws of 1994) PATIENT ACCESS TO INFORMATION ON HEALTH CARE PROVIDERS STUDY

Reps. Eleanor H. Amidon and Alice S. Ziegra, appointed by the Speaker of the House.
Sens. Beverly A. Hollingworth and John A. King, appointed by the President of the Senate.
John Bonds, appointed by the Director of the Division of Public Health Services, Department of Health and Human Services.

Lawrence W. O'Connell, New Hampshire Board of Registration in Medicine, appointed by the board.

A representative of the New Hampshire Bar Association, appointed by such association.

Steven R. Gordon, Derry appointed by the New Hampshire Hospital Association.

A representative of the New Hampshire Medical Society, appointed by such society.

Keith Collins, appointed by the Governor.

A representative of the New Hampshire Nurses Association, appointed by such association.

A representative of the New Hampshire chapter of the American Association of Retired Persons, appointed by such association.

Denise Place, Manchester, appointed by the New Hampshire Association of Health Care Quality.

A representative of the New Hampshire Citizen Action, appointed by such organization.

SB 539 (Chapter 164, Laws of 1994) HEALTH CARE INSURERS AND PROVIDERS EXCLUSIVITY CONTRACTS STUDY

Sens. Beverly A. Hollingworth and Richard L. Russman, appointed by the Senate President.

Reps. Bonnie B. Packard and Lawrence J. Guay, appointed by the Speaker of the House.

Paul Alfano, appointed by the Governor.

The Commissioner of the Department of Health and Human Services, or designee.

Sylvio L. Dupuis, Insurance Commissioner. Alternate: David Nichols

Dr. G. James Morgan, Lebanon appointed by the New Hampshire Medical Society.

SB 547 (Chapter 205, Laws of 1994) ACQUISITION OF RECREATIONAL PROPERTY BY THE STATE STUDY

Reps. Mildred A. Beach (Resources, Recreation and Development), Joseph Schanda, Sr. (Wildlife and Marine Resources) and Frances L. Riley (Appropriations), appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr. and Kenneth J. MacDonald, appointed by the Senate President.

John Sargent, designee of the Commissioner of the Department of Resources and Economic Development.

Tracey Sweeney, designee of the Executive Director of the Fish and Game Department (Alternate: William Carpenter).

Timothy C. Shildon, appointed by the Governor.

SB 573 (Chapter 168, Laws of 1994) RELOCATION OF MANUFACTURED HOMES STUDY

Three selectmen, appointed by the New Hampshire Municipal Association.

Ronald Lavoie, Nashua, Mark Tay, Exeter and Theresa Desfosses, appointed by the New England Manufactured Housing Association.

Reps. Beverly A. Gage and Patricia A. Dowling, appointed by the Speaker.

Sens. John S. Barnes, Jr. and George A. Lovejoy, appointed by the Senate President.

SB 580 (Chapter 400, Laws of 1994) NEW HAMPSHIRE CHILD CARE LICENSING POLICIES STUDY

Sens. Barbara J. Baldizar and John A. King, appointed by the Senate President.

Reps. Julie M. Brown and Irene A. Pratt, appointed by the Speaker of the House.

Karen Jual and Judy Moore, appointed by the Commissioner of the Department of Health and Human Services.

The chairperson of the New Hampshire Child Care Advisory Committee, or designee.

Cynthia Billings, Manchester, designee of the New Hampshire Coordinator for school-age child care.

Tom R. Mattson, Chief of Community Recreation, New Hampshire Division of Parks and Recreation.

Robert Barker, Jr., Executive Director of the New Hampshire Boys and Girls Clubs Area Council.

Claire E. Moorhead, Waterville Valley, President of the New Hampshire Parks and Recreation Association. Alternates: Donna Kuethe, Moultonboro and Rick Bates, Raymond

A postsecondary professor of early childhood education, appointed by the Executive Director of the Postsecondary Education Commission.

Sandy Duval, appointed by the Governor.

A representative of the YMCA, appointed by the chairperson of the Executive Cabinet of the Granite State Cluster of YMCAs.

A representative of the New Hampshire Child Care Association, appointed by the association.

James C. Pitts, appointed by the New Hampshire Municipal Association.

A representative of the New Hampshire Association for the Education of Young Children, appointed by the association.

SB 589 (Chapter 589, Laws 1994) POWERS OF FIDUCIARIES IN ENVIRONMENTAL MATTERS STUDY

Sens. Richard L. Russman and Leo W. Fraser, Jr., appointed by the President of the Senate.

Reps. William P. Boucher and Rebecca E. Lee, appointed by the Speaker of the House.

One public member, appointed by the Governor.

John Dabuliewicz, designee of the Commissioner of the Department of Environmental Services. (Alternate: Gretchen Rule)

The Commissioner of Banking, or designee.

One representative from the New Hampshire Bankers Association, appointed by such association.

The Attorney General, or designee.

SB 634, Chapter 210, Laws of 1994) USE OF NON-MOTORIZED TRANSPORTATION STUDY

Rep. Nick Hart, appointed by the Speaker of the House.

Sen. Burton J. Cohen, appointed by the Senate President.

Ansel N. Sanborn, Bureau of Transportation Planning, Department of Transportation.

One representative of a regional planning organization, appointed by the Governor.

Kirk Stone of the Audubon Society of New Hampshire, appointed by such society.

Linda Tomlinson and Carlton Marshall, appointed by the governor.

SB 642 (Chapter 28:5, Laws of 1994) DRUG-FREE SCHOOL ZONE IMPLEMENTATION STUDY

Sens. Eleanor P. Podles (Education) and John A. King, appointed by the Senate President.

Reps. Karen K. Hutchinson (Education) and Donnalee M. Lozeau, appointed by the Speaker of the House.

One member representing the New Hampshire Association of School Principals, appointed by the association.

One member of the School Boards Association, appointed by the association.

Barbara Hopley, appointed by the National Education Association.

Gary Guzouskas, designee of the Commissioner of Education.

One member of the State Board of Education, appointed by the board.

Chief Michael L. Prozzo, Jr., appointed by the New Hampshire Police Chiefs' Association.

SB 650 (Chapter 386:2, Laws of 1994) LEAD POISONING PREVENTION AND CONTROL PROGRAM STUDY

Sens. C. Jeanne Shaheen and John A. King (Public Institutions, Health and Human Services) appointed by the Senate President.

Reps. Alice S. Ziegra (Health, Human Services and Elderly Affairs) and Eugene L. Gagnon, appointed by the Speaker of the House.

Brook Dupee, Director of the Division of Public Health Services.

One member of the public, appointed by the Governor.

Jay McGillicuddy, Hampstead, appointed by the New Hampshire Association of Realtors.

Elliott Berry, Esq., Manchester, appointed by New Hampshire Legal Assistance.

Dean J. Christon, Deputy Executive Director of the New Hampshire Housing Finance Authority.

Gene Gayda, Nashua, appointed by the New Hampshire Property Owners Association.

Joseph Connor, appointed by the National Paint and Coatings Association.

SB 653 (Chapter 258:3, Laws of 1994) NORTHERN FOREST LAND COUNCIL RECOMMENDATIONS STUDY

Sens. Carole A. Lamirande (Coos County) and Richard L. Russman, appointed by the Senate President.

Reps. Leighton C. Pratt (Coos County), David M. Scanlan and Paula E. Bradley, appointed by the Speaker of the House.

Michael Waddell, Gorham and Frederick W. King, Colebrook, appointed by the New Hampshire Municipal Association.

John E. Sargent and Beaton Marsh, appointed by the Northern Forest Lands Council.

SB 690 (Chapter 176, Laws of 1993) UNH INVOLVEMENT IN TRAINING STATE EMPLOYEES STUDY

Sens. John A. King (Executive Departments and Administration) and George F. Disnard, appointed by the President of the Senate.

Reps. John J. Sytek (Executive Departments and Administration) and J. Francis Laughlin, appointed by the Speaker of the House.

One member appointed by the Governor.

Susan Auerbach, designee of the Commissioner of the Department of Education.

Charles E. Sova designee of the Commissioner of the Department of Safety.

Sandy Platt, designee of the Commissioner of the Department of Health and Human Services, or designee.

Elizabeth L. Hodges, Esq., designee of the Chief Justice of the New Hampshire Supreme Court.

Virginia Lambertson, Director of the Division of Personnel, Department of Administrative Services.

Rodney Bossert, Durham, designee of the President of the University of New Hampshire.

John LaCourse and John Pokoski, University of New Hampshire Professors, appointed by the President of UNH.

Earl M. Sweeney, Director of the Police Standards and Training Council (Alternate: Keith H. Lohmann and Robert D. Bossey).

H. Jeffrey Rafn, Commissioner of Postsecondary Technical Education, (Alternate: Keith W. Bird)

Denis Parker, Executive Director of the State Employees Association.

Dr. Stanley J. Yarosewick, designee of the President of Keene State College.

Eldwin Wixson, Interim Dean, Plymouth State College.

Victor R. Montana, Dean of the University System College for Lifelong Learning.

SB 719 (Chapter 261, Laws of 1994) WATER USE ACTIVITY ZONE FEASIBILITY STUDY

Sens. Wayne D. King and Burton J. Cohen, appointed by the President of the Senate.

Reps. Robert J. Laflam and Michael Whalley, appointed by the Speaker of the House.

Rep. William P. Boucher, House member of the Public Access Advisory Board.

Richard Tichko, designee of the Executive Director of the Department of Fish and Game (Alternate: Carol Henderson).

David Barrett, designee of the Commissioner of the Department of Safety.

Philip Preston, appointed by the Squam Lakes Association.

One person from the New Hampshire Marine Trades Association, appointed by the association.

David G. Scott, designee of the Director of the Office of State Planning. (Alternate: James McLaughlin)

Robert Estabrook, appointed by the Commissioner of the Department of Environmental Services, Division of Water Supply and Pollution Control. (Alternate: Jody Connor)

One selectperson representing the town of Ashland, Center Harbor, Holderness, Moultonborough or Sandwich, appointed by the Governor.

Toby Eaton, representing the Lakes Region Planning Commission, appointed by the Commission. (Alternate: John Hodsdon)

SB 744 (Chapter 243, Laws of 1994) INSURANCE PROVISION FOR DEPENDENTS OF RETIRED STATE EMPLOYEES

Siobhan Tautkus, appointed by the Governor.

Two members of the Senate, appointed by the President of the Senate.

Reps. Merton S. Dyer and Ray F. Langer, appointed by the Speaker of the House.

One member appointed by the New Hampshire Retirement System Board of Trustees.

Denis Parker, appointed by the State Employees Association, Inc.

SB 750 (Chapter 181:6, Laws of 1994) OFFICE OF THE MEDICAL EXAMINER STUDY

Two Senators, one of whom shall be a member of the Senate Executive Departments and Administration committee, both appointed by the Senate President.

Reps. Alice S. Ziegra, Sandra K. Dowd (Executive Departments and Administration) and Marion L. Copenhaver, appointed by the Speaker of the House.

SB 757 (Chapter 297, Laws of 1994) STATE'S TAX CREDIT INCENTIVES STUDY BY WAYS AND MEANS,

The committee shall consist of the members of the House Ways and Means Committee.

SB 780 (Chapter 31, Laws of 1994) SEXUAL ASSAULT AND SEXUAL HARASSMENT AT POST SECONDARY INSTITUTIONS STUDY

Membership Expanded. Amend SB 81, Chapter 148, Laws of 1993 by inserting after paragraph X the following new paragraph:

A member from each New Hampshire college, appointed by the New Hampshire College and University Council (NHCUC) if the school is a NHCUC member college and the president of the college if the school is an independent college. The appointed members shall represent one of the following areas:

Jeannette Goldberg, Heidi Jacoby and Dr. Constance Richards, providers of campus services to sexual assault survivors.

Brian Giammarino, Henry Bird and Robert Beaudoin, directors of campus security or safety.

Susan Elsess, Dr. George J. Larkink Jr., and Daniel A. Dibiasio, deans of students.

SB 785 (Chapter 32, Laws of 1994) PURPOSE AND OPERATION OF THE CENTRAL REGISTRY STUDY UNDER RSA 169-C:35.

Sens. John A. King and David K. Wheeler, appointed by the President of the Senate.

Reps. Sylvia A. Holley and L. Randy Lyman, appointed by the Speaker of the House.

Nancy Rollins, designee of the Division for Children and Youth Services, Department of Health and Human Services.

The Director of the Division of Public Health Services, Department of Health and Human Services, or designee.

Alexander Blastos, designee of the Commissioner of Education.

Michael L. Prozzo, Jr., appointed by the New Hampshire Association of Chiefs of Police.

A representative of a recognized child advocacy group, appointed by the Speaker of the House.

Sara Dustin, representative of a recognized parents' rights advocacy group, appointed by the President of the Senate.

Connie Coviello, appointed by the Governor.

SB 790 (Chapter 362:8, Laws of 1994) PSNH AND SMALL POWER PRODUCERS OVERSIGHT MONITORING COMMITTEE

Sens. Clesson J. Blaisdell, John S. Barnes, Jr., Kenneth J. MacDonald, Leo W. Fraser, Jr. and Burton J. Cohen, appointed by the Senate President.

Reps. Karen K. McRae, Stanley W. Peters, Fredrik Peyron, Gary R. Gilmore and Clifton C. Below, appointed by the Speaker of the House.

SB 791 (Chapter 410, Laws of 1994) HEALTH CARE PROVIDER COOPERATIVE AGREEMENTS IN NH STUDY

Reps. Eleanor H. Amidon, Katherine K. Pratt and Alphonse A. Haettenschwiller, appointed by the Speaker of the House.

Three members of the Senate, appointed by the President of the Senate.

SB 793 (Chapter 415:2, Laws of 1994) THEME PARK, CONVENTION CENTER AND CASINO FEASIBILITY STUDY

Reps. Channing T. Brown and Ann M. Torr, appointed by the Speaker of the House.

Sens. Clesson J. Blaisdell and George F. Disnard, appointed by the President of the Senate.

Jeffrey R. Howard, the Attorney General.

Richard Flynn, the Commissioner of the Department of Safety.

William S. Bartlett, Jr., designee of the Commissioner of the Department of Resources and Economic Development.

RSA 19-D:1 INDUSTRIAL HERITAGE COMMISSION (Adds new members by SB 630, Chapter 66, Laws of 1994)

Membership increased from 17 to 26 members appointed as follows:

Two members shall be appointed by the Governor.

Sen. Ann Bourque, appointed by the President of the Senate.

Rep. Paul R. Perkins, appointed by the Speaker of the House.

Earl A. Rinker, III, the Executive Councilor of the fourth district.

Dr. Edward Taylor, designee of the Department of Education.

Charles P. O'Leary, Jr., the Commissioner of the Department of Transportation.

James Garvin, designee of the Department of Cultural Affairs.

David Wihby, designee of the Department of Labor.

Lauri Ostrander, designee of the Department of Resources and Economic Development.

The Director of Economic Development.

The Director of the Division of Parks and Recreation.

Nancy Muller, the Director of the Division of Historical Resources.

The Director of the Office of State Planning.

The Executive Director or designee of the Manchester Housing Redevelopment Authority.

The Director of the Manchester Historical Association.

The Manchester City Coordinator.

The Mayor of Manchester.

One Alderman of Manchester appointed by the Board of Alderman.

3 public members chosen by the other commission members.

One of the Governor's appointees shall be nominated by the New Hampshire Business and Industry Association and one shall be nominated by the New Hampshire AFL-CIO.

RSA 19-F:1 LOCAL GOVERNMENT ADVISORY COMMITTEE (established by HB 370, Chapter 103, Laws of 1994)

Sen. C. Jeanne Shaheen, appointed by the Senate President.

Rep. Linda A. Smith, appointed by the Speaker of the House.

Stephenn Merrill, the Governor.

Five county officials, appointed by the New Hampshire Association of Counties.

Five municipal officials, appointed by the New Hampshire Municipal Association.

RSA 21-K:17 GRANITE STATE CULTURAL LEGACY AWARD SELECTION COMMITTEE (Amended by HB 1372, Chapter 274, Laws of 1994)

A selection committee is established consisting of the following members:

Sens. Debora B. Pignatelli, John S. Barnes, Jr. and George A. Lovejoy, appointed by the Senate President

Reps. Roland A. Sallada, James A. Whittemore and Martha F. Clark, appointed by the Speaker of the House

One member from the New Hampshire Council on the Arts, appointed by that council

Charles G. Bickford, Concord, appointed by the New Hampshire Humanities Council.

Nancy C. Muller, Director, Division of Historical Resources, Department of Cultural Affairs.

RSA 100-A:14 NEW HAMPSHIRE RETIREMENT SYSTEM BOARD (Amended by HB 1290, Chapter 269, Laws of 1994)

The administration of this system is vested in a board of 13 trustees. Georgie Thomas, the State Treasurer (replaces the Bank Commissioner) shall be an ex officio voting member of the board.

RSA 125-J:11 - EMISSIONS REDUCTION CREDITS TRADING ADVISORY COMMITTEE (established by HB 1515, Chapter 397, Laws of 1994)

Reps. Jeb E. Bradley (Environment and Agriculture), Barbara L. Spear (Economic Development) and Gary R. Gilmore (Science, Technology and Energy), appointed by the Speaker of the House.

Sens. Richard L. Russman and Kenneth J. MacDonald (Environment), Debora B. Pignatelli (Economic Development), appointed by the Senate President.

Robert W. Varney, Commissioner of Environmental Services. (Alternate: Timothy W. Drew)

Dennis R. Lunderville, Director, Division of Air Resources, Department of Environmental Services.

William S. Bartlett, Commissioner, Department of Resources and Economic Development.

Susan S. Geiger, Commissioner, Public Utilities Commission.

The Governor, or designee.

The Attorney General, or designee.

Two members of the public, of whom one shall represent business and industry, and one shall represent an environmental organization, appointed by the Governor.

RSA 125-K:8 CLEAN FUEL FLEET ADVISORY COMMITTEE (established by SB 788, Chapter 302, Laws of 1994)

Sens. Beverly A. Hollingworth and Richard L. Russman, appointed by the President of the Senate.

Reps. Richard O. Wasson and Robert A. Daigle, appointed by the Speaker.

Two public members, appointed by the Governor.

Bruce B. Ellsworth, Chairman of the Public Utilities Commission.

Thomas Jelley, designee of the Commissioner of the Department of Transportation.

Charles E. Sova, designee of the Commissioner of the Department of Safety.

Gilbert Cox, designee of the Commissioner of the Department of Environmental Services. (Alternate: Thomas Noel)

Jonathan S. Osgood, Director of the Governor's Office of Energy and Community Services (Alternate: Scott Maltzie)

RSA 126-A:10-d CHILD CARE ADVISORY COMMITTEE (established by HB 1177, Chapter 180, Laws of 1994)

Rep. Julie M. Brown, appointed by the Speaker of the House.

Sen. Barbara J. Baldizar, appointed by the President of the Senate.

Mary Metrolis, designee of the President of the New Hampshire Child Care Association.

The President of the New Hampshire Family Day Care Association, or designee.

Sue Stahl, Bedford, designee of the New Hampshire School Age Child Care Council.

The President of the New Hampshire Child Care Resource and Referral Network, or designee.

The President of the New Hampshire Association for the Education of Young Children, or designee.

Peter Higbee, Chairman of the New Hampshire Head Start Directors Association.

One individual representing the concerns of the business community relative to the availability of child care services, appointed by the Commissioner of the Department of Health and Human Services.

Three individuals who are consumers of child care services, one residing in a city in New Hampshire, one residing in a town with a population in excess of 5,000 persons, and one residing in a town with fewer than 5,000 persons. To the extent possible, geographical diversity shall be maintained among these at-large appointees. One consumer appointee shall have a child with a disability in care. These individuals shall be appointed by the Governor.

Dr. Mary Gile, Penacook, appointed by the Commissioner of Postsecondary Technical Education.

Patricia Cantor, Plymouth State College, appointed by the University System of New Hampshire.

Dr. Selma Deitch, designee of the President of the New Hampshire chapter of the American Academy of Pediatrics.

Ruth L. Littlefield, appointed by the Commissioner of Education.

The Advisory Committee shall consist of the following nonvoting members:

Five representatives from the Department of Health and Human Services, one of whom shall be the Child Care Coordinator, appointed by the Commissioner of the Department of Health and Human Services.

Any number of additional nonvoting members appointed by a majority vote of the voting members. The purpose of this provision is to permit the committee to seek out and recognize persons with expertise and experience in the field of child care who may make significant contributions to the work of the committee in specific policy areas.

RSA 126-A:103 NEW HAMPSHIRE HEALTH CARE REFORM COORDINATING COMMITTEE (established by SB 791, Chapter 410:7, Laws of 1994)

The Commissioner of Health and Human Services.

Sylvio L. Dupuis, Insurance Commissioner.

Rep. Robert W. Foster, appointed by the Speaker of the House.

Sen. Ralph Degnan Hough, appointed by the President of the Senate.

Three health care providers, including one person with professional experience as a primary care practitioner and graduate training and experience in health planning or public health policy, one person with significant knowledge and experience in the area of hospital administration and health care financing and cost containment, and one person with significant knowledge and experience in the area of long-term care, including in-home care.

Two health care purchasers who are owners or chief executive officers of businesses in this state, including one person who heads a business with more than 250 employees working in the state and one person who heads a business in the state with fewer than 50 employees.

Three health care consumers. At least one of the consumer members shall have significant knowledge of social service delivery systems and the needs of the medically underserved.

Jeffrey R. Howard, the Attorney General, as an ex officio member.

The Governor, or designee.

A person involved in medical education.

A representative of the Healthy Kids Corporation, appointed by the Healthy Kids Corporation Board.

A representative of the insurance industry.

RSA 160-B:23 PERMISSIBLE FIREWORKS REVIEW COMMITTEE (established by SB 734, Chapter 123, Laws of 1994)

Sen. David P. Currier, appointed by the Senate President

Rep. Gordon E. Wiggin, appointed by the Speaker

Colonel Lynn M. Presby, Director of the Division of State Police. (Alternate: Captain Dwight D. Dodd)

The Director of Fire Service or designee

Two members representing the fireworks industry, appointed by the Governor

One member representing the New Hampshire Association of Fire Chiefs, appointed by the Governor.

RSA 162-F:15 NUCLEAR DECOMMISSIONING FINANCING COMMITTEE (amended by SB 650, Chapter 386, Laws of 1994)

One person who is a resident of the town or city in which the facility is to be located and who shall be appointed by the selectmen of the town or the mayor and council of the city.

Douglas Patch, the chairman of the public utilities commission.

Sen. C. Jeanne Shaheen (Legislative Facilities Committee), appointed by the Senate President

Rep. Channing T. Brown, (Legislative Fiscal Committee), appointed by the Speaker of the House.

The State Treasurer or designee, the Commissioner of the Department of health and human services or [his] designee, the commissioner of the department of safety or [his] designee, and a representative of the lead company as designated by the owner or owners of the facility.

RSA 186:67-a HEALTH EDUCATION REVIEW COMMITTEE (amended by HB 1433 Chapter 276, Laws of 1994)

Rep. Sharon L. Nordgren, appointed by the Speaker.

Sen. Beverly A. Hollingworth, appointed by the Senate President.

Pamela Lindberg, Keene, appointed by the Chairperson of the State Board of Education.

Beverly Grenert, appointed by the Commissioner of Education.

Kay Zaso and Jill Underhill, Division of Public Health Services, Department of Health and Human Services, appointed by the Commissioner of Health and Human Services.

One member who shall be employed at least 1/2 time as a public school nurse, appointed by the New Hampshire School Nurses Association.

One member who shall be employed as a nurse other than as a public school nurse, appointed by the New Hampshire Nurses Association.

Sally Evans Field, appointed by the New Hampshire Association for Health, Physical Education, Recreation and Dance.

David Mousette, appointed by the New Hampshire School Administrators Association.

One member who is a public school teacher not teaching a health-related subject, appointed by the New Hampshire chapter of the National Education Association.

Janna Paschal, Meredith, and Shannon Sullivan, Manchester, appointed by the New Hampshire Association of Student Councils.

One public member, appointed by the Governor.

Richard W. Wilson, MD., appointed by the New Hampshire Medical Society.

One member of the New Hampshire School Boards Association, appointed by the association.

One member of the Governor's Domestic Violence Commission, appointed by the chairperson of the commission.

RSA 186-C:3-b EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY AND OVERSIGHT COMMITTEE (established by HB 1288, Chapter 114, Laws of 1994)

Reps. Robert E. McKinley and Charles B. Yeaton, appointed by the Speaker of the House.

Sens. George F. Disnard and Eleanor P. Podles, appointed by the President of the Senate.

One representative of the Business and Industry Association, recommended by the Business and Industry Association and appointed by the Governor.

Pamela Lindberg, Keene, appointed by the State Board of Education.

The Commissioner of Education or designee.

Three teachers, one of whom is a special education teacher, appointed by the Commissioner of Education.

Jane Hybsch, Division of Public Health Services, appointed by the Commissioner of the Department of Health and Human Services.

One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center and appointed by the Governor.

One representative of the Parent Information Center, recommended by the Parent Information Center and appointed by the Governor.

Two individuals with disabilities who have benefited from special education services, one of whom shall be a high school student, recommended by the New Hampshire Coalition for Citizens with Disabilities and appointed by the Governor.

Seven parents of children with disabilities, 3 of whom shall be parents of children with learning disabilities, recommended by the New Hampshire Coalition for Citizens with Disabilities and appointed by the Governor.

One member of the New Hampshire Association of School Administrators, recommended by the association and appointed by the Governor.

One Special Education Program Administrator, recommended by the New Hampshire Association of Special Education Administrators and appointed by the Governor.

One pediatrician, recommended by the President of the New Hampshire Chapter of the American Academy of Pediatrics and appointed by the Governor.

One representative of the School Board Association, recommended by the association and appointed by the Governor.

One school principal, recommended by the New Hampshire Association of School Principals and appointed by the Governor.

RSA 205-A:25 BOARD OF MANUFACTURED HOUSING (established by HB 639, Chapter 368, Laws of 1994)

Two public members, appointed by the Governor.

One member appointed by the Governor, from a list of 2 persons nominated by the New Hampshire Manufactured Housing Association.

One member appointed by the Governor, from a list of 2 persons nominated by the New England Manufactured Housing Association.

One member appointed by the Governor, from a list of 2 persons nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

One member appointed by the Governor who is a resident of a manufactured housing park who is not a member of the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

Attorney Daniel D. Crean, Concord, appointed by the New Hampshire Bar Association.

Reps. Beverly A. Gage and Patricia A. Dowling, appointed by the Speaker of the House.

RESIGNATIONS, DEATHS, ELECTIONS**RESIGNED**

7/21/93	Hills. 33	McCann, Bonnie Lou, r
9/17/93	Merr. 21	Soldati, Jennifer G., d
11/3/93	Hills. 26	Ackerman, Philip M., d
12/15/93	Merr. 16	Hill, Michael J., r
1/27/94	Hills 33	Eliades, George C., r
3/1/94	Hills. 44	Domaingue, Jacqueline, r
6/3/94	Hills. 39	Plourde, Alphonse O., d
7/1/94	Merr. 7	Carter, Susan D., r
7/1/94	Rock. 24	Drake, Herbert R., r&d
10/7/94	Graf. 2	Rose, William B., r&d

RESIGNED (as per RSA 654:1,II)

6/7/94	Belk. 3	Hawkins, Robert S., r
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DECEASED

2/28/93	Hills. 41	Larochelle, Roger B., d
7/18/93	Rock. 2	Terninko, Margaret B., d
11/21/93	Merr. 11	Apple, Lowell D., r&d
12/01/93	Hills. 7	McNerney, Daniel P., r
12/05/93	Merr.18	Gross, Caroline L., r&d
02/08/94	Hills. 11	Mason, Howard F., r
04/01/94	Straf. 4	O'Brien, John, d
10/20/94	Sull. 11	Kane, Joan S., d

SPECIAL ELECTIONS (Took oath)

01/13/93	Hills. 24	Kirby, Thomas J., d
02/10/93	Merr. 12	Regan, Maurice, d
09/29/93	Hills. 41	Stewart, Thomas R., d
11/09/93	Hills. 33	Sullens, Joan C., r
11/09/93	Rock. 2	Case, Margaret A., r
12/22/93	Merr. 21	Mitchell, Vernon W., r
02/09/94	Merr. 18	Hager, Elizabeth S., r
02/09/94	Merr. 16	Coughlin, Anne, d
02/09/94	Hills. 26	O'Hearn, Jane E., r
02/23/94	Merr. 11	Hess, David W., r
03/23/94	Hills. 7	Emerton, Lawrence A., r

ELECTED BUT NOT SWORN

Merr. 12	Letourneau, George E., d	(died 11/02/92)
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PARTY BREAKDOWN OF THE 400 SEATS

Republicans:	192 R,	35 R&D,	14 R&L,	11 R&D&L	=	252
Democrats:	98 D,	27 D&R,	3 D&L,	5 D&R&L	=	133
Libertarians:	0 L,	3 L&R,	1 L&D,	0 L&R&D	=	4
Independents:	0 I,	0 I&R,	1 I&D,	0 I&R&D	=	1
Currently elected and qualified:					=	390
Vacancies: Resignations 7, Deaths 3					=	10
Total seats					=	400

Men: 259, Women: 131

**TABLE OF REFERENCES
FROM CHAPTER OF 1994 LAWS
TO BILL NUMBERS**

Chapter	Bill	Chapter	Bill	Chapter	Bill
1	HB 1577	52	HB 1113	103	HB 370
2	HB 591-FN	53	HB 1124	104	HB 387
3	HB 1579-FN-A	54	HB 1157	105	HB 388
4	HB 514	55	HB 1164	106	HB 411-FN
5	HB 576-FN-A	56	HB 1176-FN	107	HB 1110
6	HB 1336	57	HB 1244	108	HB 1121
7	HB 1516-FN-A	58	HB 1256	109	HB 1154
8	HB 541	59	HB 1369	110	HB 1184-FN
9	HB 630-FN	60	HB 1392	111	HB 1188
10	HB 1136	61	HB 1573	112	HB 1206
11	HB 1251	62	SB 511	113	HB 1226
12	HB 1371	63	SB 559	114	HB 1288
13	HB 1449	64	SB 574	115	HB 1364
14	HB 195-FN	65	SB 602-FN	116	HB 1410
15	HB 308	66	SB 630	117	HB 1455
16	HB 1103	67	SB 707-FN	118	HB 1498-FN
17	HB 1174	68	HB 106-FN	119	HB 1552-FN
18	HB 1190	69	HB 127-FN	120	SB 526
19	HB 1255	70	HB 410	121	SB 647
20	HB 1294	71	HB 1222	122	HB 1050-FN
21	HB 1380	72	HB 1252	123	SB 734-FN
22	HB 1399	73	HB 1270-FN	124	HB 210
23	SB 515	74	HB 1345	125	HB 377
24	SB 524	75	HB 1367	126	HB 599-FN
25	SB 530	76	HB 1411	127	HB 635-FN
26	SB 533	77	HB 1413	128	HB 1104
27	SB 553	78	HB 1436	129	HB 1105
28	SB 642-FN	79	HB 1438	130	HB 1109
29	SB 656	80	HB 1474	131	HB 1111
30	SB 660	81	HB 1543-FN-A	132	HB 1115
31	SB 780	82	HB 1582-FN	133	HB 1116
32	SB 785	83	HJR 21	134	HB 1165
33	SB 786-FN	84	HJR 22	135	HB 1173
34	SB 798	85	SB 528	136	HB 1207-FN
35	HB 123	86	SB 535-FN	137	HB 1208
36	HB 1430	87	SB 537	138	HB 1233
37	SB 722	88	SB 563	139	HB 1236
38	HB 610-FN	89	SB 565-FN	140	HB 1242
39	HB 1151	90	SB 578	141	HB 1248
40	HB 1337	91	SB 620	142	HB 1266-FN
41	HB 1356-FN	92	SB 801-A	143	HB 1272-FN
42	HB 1419-FN	93	SJR 1	144	HB 1293
43	HB 1463	94	HB 1114	145	HB 1339
44	HB 1477	95	HB 1211	146	HB 1377
45	SB 214-FN	96	HB 1453	147	HB 1383
46	SB 544-FN	97	HB 686	148	SB 803
47	SB 561	98	HB 1189	149	HB 1416
48	SB 587	99	SB 586	150	HB 1439
49	SB 686	100	HB 134	151	HB 1440-FN
50	SB 727-FN	101	HB 267	152	HB 1468
51	SB 569	102	HB 325	153	HB 1502-FN

Chapter	Bill	Chapter	Bill	Chapter	Bill
154	HB 1506-FN	209	SB 613	264	SB 754-FN
155	HB 1529-FN	210	SB 634	265	HB 1100
156	HB 1574	211	SB 702-FN-A	266	HB 1153-FN
157	HB 1581	212	SB 726-FN	267	HB 1216
158	HB 1585-FN	213	SB 730-FN	268	HB 1262-FN
159	HJR 20	214	SB 743-FN	269	HB 1290-FN
160	SB 510	215	SB 802	270	HB 1300-FN-A
161	SB 527	216	HB 404	271	HB 1320
162	SB 532	217	HB 1143	272	HB 1323-FN
163	SB 534	218	HB 1405	273	HB 1335-FN
164	SB 539	219	HB 1108	274	HB 1372
165	SB 549	220	HB 1117	275	HB 1379
166	SB 555	221	HB 1133	276	HB 1433
167	SB 564	222	HB 1183-FN	277	HB 1458-FN
168	SB 573	223	HB 1212-FN	278	HB 1469
169	SB 579-FN	224	HB 1232	279	HB 1472-FN
170	SB 597	225	HB 1318	280	HB 1507-FN
171	SB 598	226	HB 1391	281	HB 1518-A
172	SB 606	227	HB 1403	282	HB 1523-FN-A
173	SB 622	228	HB 1519	283	HB 1539-FN
174	SB 628-FN	229	HB 1545	284	HB 1568-FN
175	SB 652-FN-A	230	HB 1553-A	285	SB 144-FN-A
176	SB 690	231	SB 128	286	SB 516
177	SB 695	232	SB 501-FN-A	287	SB 541-FN
178	SB 736-FN-A	233	SB 525	288	SB 548-FN
179	SB 751-FN	234	SB 585	289	SB 575-FN
180	HB 1177	235	SB 591	290	SB 603
181	SB 750-FN	236	SB 594-FN	291	SB 605
182	HB 459-FN-A	237	SB 604-FN	292	SB 674-FN-A
183	HB 583	238	SB 612	293	SB 697-FN-A
184	HB 1101	239	SB 637-FN	294	SB 711
185	HB 1106	240	SB 658	295	SB 724
186	HB 1107	241	SB 664	296	SB 752-FN
187	HB 1134	242	SB 669-FN	297	SB 757-FN-A
188	HB 1147-FN	243	SB 744-FN	298	SB 767-FN
189	HB 1179	244	SB 759-FN-A	299	SB 768-FN
190	HB 1227	245	HB 1368	300	SB 771-FN-A
191	HB 1247	246	HB 1112	301	SB 775-FN
192	HB 1254	247	HB 1118	302	SB 788-FN
193	HB 1263-FN	248	HB 1119	303	HB 279
194	HB 1284	249	HB 1186	304	SB 517
195	HB 1349	250	HB 1203-FN	305	HB 161-FN-A
196	HB 1398	251	HB 1213-FN-A	306	HB 178-FN
197	HB 1443	252	HB 1214-FN	307	HB 317
198	HB 1462	253	HB 1495-FN	308	HB 414-FN
199	HB 1476	254	HB 1534-FN	309	HB 449
200	HB 1509	255	HB 1536-FN	310	HB 656-FN
201	HB 1588	256	SB 552	311	HB 661-FN-A
202	SB 503-FN	257	SB 562	312	HB 1171
203	SB 520	258	SB 653	313	HB 1185-FN
204	SB 536	259	SB 673-FN	314	HB 1187
205	SB 547-FN-A	260	SB 677-FN	315	HB 1193
206	SB 558	261	SB 719	316	HB 1194-FN
207	SB 572-FN	262	SB 733-FN	317	HB 1217-FN
208	SB 576	263	SB 756-FN-A	318	HB 1228

Chapter	Bill	Chapter	Bill	Chapter	Bill
319	HB 1285-FN	352	HB 1343	385	SB 638-FN
320	HB 1309	353	HB 1422-FN	386	SB 650-FN-A
321	HB 1321-FN	354	HB 1525	387	SB 655-FN-A
322	HB 1327-FN	355	HB 1528-FN	388	SB 670-FN
323	HB 1390	356	HB 1572-FN	389	SB 685
324	HB 1426	357	HB 1586-FN	390	SB 688
325	HB 1442-FN-A	358	SB 149-FN	391	HB 438-FN
326	HB 1493-FN-A	359	SB 518	392	HB 451-FN
327	HB 1512-FN	360	SB 589	393	HB 1120
328	HB 1551-FN-A	361	SB 667-FN	394	HB 1191-FN
329	HB 1578	362	SB 790	395	HB 1420
330	HB 1580-FN-A	363	SB 809	396	HB 1466
331	SB 508	364	HB 260-FN-A	397	HB 1515-FN
332	SB 538	365	HB 389	398	SB 90
333	SB 593-FN	366	HB 510	399	SB 523
334	SB 641-FN	367	HB 622-FN	400	SB 580-FN
335	SB 644-FN-A	368	HB 639-FN-A	401	SB 625-FN-A
336	SB 671-FN-A	369	HB 1144-FN	402	SB 701-FN-A
337	SB 760-FN-A	370	HB 1231	403	SB 709-FN
338	SB 761-A	371	HB 1268-FN-A	404	SB 723-FN
339	SB 792-A	372	HB 1282	405	SB 740-FN
340	SB 794-A	373	HB 1283	406	SB 747-FN
341	SB 806	374	HB 1382	407	SB 763
342	SB 807-FN	375	HB 1429	408	SB 772-FN
343	HB 660-FN	376	HB 1447-FN	409	SB 774-FN
344	HB 1010	377	HB 1450	410	SB 791-FN-A
345	HB 1158	378	HB 1484	411	SB 800-FN
346	HB 1180	379	HB 1524-FN	412	SB 805
347	HB 1209-FN	380	HB 1533	413	HB 1135
348	HB 1238	381	HB 1566-FN	414	SB 672-FN
349	HB 1260-FN	382	HB 1571-A	415	SB 793-A
350	HB 1313-FN	383	SB 225-FN	416	SB 810
351	HB 1329	384	SB 592		

HOUSE JOURNAL NUMERICAL INDEX

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bills
HJR	House Joint Resolutions
HCR	House Concurrent Resolutions
HBI	House Bills of Intent
HR	House Resolutions
SB	Senate Bills
SJR	Senate Joint Resolutions
SCR	Senate Concurrent Resolutions
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this NUMERICAL index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
enr	enrolled
Exec. Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
(K)	final action in 2nd body
LT	laid on table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
Ways and Means	referred to Ways and Means Committee
wthd	withdrawn

**1994 SESSION
HOUSE BILLS
1993 BILLS RE-REFERRED TO COMMITTEE**

- HB 106**, removing the requirement that the state vaccinate bovines against brucellosis.
conc S am 698, enr 802 (Chapter 68)
- HB 123**, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values.
am 49, psd 127, S conc 674, enr 696, appointments 1049 (Chapter 35)
- HB 127-FN**, relative to private lease of state railroad real estate.
am & Ways and Means 49-50, psd 239, 244, S conc 716, enr 802 (Chapter 69)
- HB 134**, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and relative to changing the terms "inspector" and "sealer" to "enforcement officer" and repealing the law governing the sale of wood.
new title: relative to penalties, definitions, licenses, permits, registrations and rulemaking under the weights and measures laws and repealing the law governing the sale of wood.
am 113-116, psd 127, S conc 716, enr 814 (Chapter 100)
- HB 145-FN-L**, allowing voters in towns to petition to extend the hours of polling.
K 36
- HB 154-FN**, modifying the definition of high tide as it applies to wetlands.
K 48
- HB 155-FN-L**, charging back the costs of education for children in homes or health care facilities to the sending district.
K 37
- HB 161-FN-A**, increasing the amount paid to members of the adult parole board and making an appropriation therefor.
new title: increasing the amount paid to members of the adult parole board, increasing its membership, and making an appropriation therefor.
2nd new title: increasing the membership of the adult parole board.
am & Approp 38, am 246, psd 293, conc S am 934, enr 1008 (Chapter 305)
- HB 162-FN-L**, returning all municipal ordinance fines to the municipality.
study 96
- HB 167**, clarifying circumstances under which a person is justified in using deadly force.
S nonconc 298
- HB 170-FN-A**, authorizing the business finance authority to accept private funds for investment purposes.
study 37
- HB 178-FN**, relative to the procedures of the board of examiners of psychology and mental health practice.
new title: relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators.
am & Approp 59-61, am 246-248, psd 293, conc S am 934, enr 1008 (Chapter 306)
- HB 190-FN**, giving the department of resources and economic development stewardship over certain abandoned rail lines.
new title: giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments.
am 119-120, psd 127, recon & Approp 137, am 248, psd 293, nonconc S am 934, recon, conf 935, 941, S K 987
- HB 192**, changing the procedure for submission of proposed rules by the air resources division.
K 38
- HB 193-L**, changing the school foundation aid distribution formula.
rem 35, LT 178, IP 990
- HB 195-FN**, relative to the sale of cider.
am 116-117, psd 127, S conc 674, enr 696 (Chapter 14)

- HB 203-FN-A**, authorizing the appropriation of funds to compensate the board of engineers for unforeseen expenses related to investigations and enforcement.
K 38-39
- HB 210**, limiting the use of off highway recreational vehicles near occupied residences.
new title: limiting the operation of closed-course competition OHRV's.
am 50, psd 127, conc S am 801, enr 879 (Chapter 124)
- HB 211**, requiring the department of fish and game to establish a sound process for the opening, closing and monitoring of shellfish waters.
K 177
- HB 239-L**, granting municipalities an option for quarterly billing and collection of property taxes.
am 155-157, psd 160, S nonconc 801
- HB 257-FN**, relative to the disposition of revenue received by the bureau of common carriers, department of safety.
new title: establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys.
am & Approp 63-66, rem 245, am 292, psd 294, S nonconc 931
- HB 260-FN-A**, establishing a used oil collection act program and an automotive oil road toll to fund such program.
new title: establishing a used oil collection program and an automotive oil fee to fund such program.
2nd new title: establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services.
3rd new title: establishing a used oil collection program and an automobile oil fee to fund such program, and making a supplemental appropriation to the department of environmental services.
am & Ways and Means 54-57, am & Approp 349-350, am 549-550, psd 591, S conc 929, enr am 999, enr 1008 (Chapter 364)
- HB 267**, establishing the crime of luring a minor.
new title: correcting a reference in the stalking law.
am 37, psd 126, S conc 674, enr am 802, enr 814 (Chapter 101)
- HB 279**, establishing a committee to examine the effects of phosphorus and phosphorus-based products on the water quality of New Hampshire lakes, ponds, and rivers.
new title: prohibiting certain household cleansing products containing phosphates.
am 117-118, psd 127, conc S am 935, enr 953 (Chapter 303)
- HB 280**, relative to zoning requirements for family day care homes.
nonconc S am, conf 801, 941, S K 987
- HB 285**, establishing a study committee to review treatment by the court system of women and children in marital and domestic violence disputes.
K 151
- HB 288**, relative to teacher representation on the New Hampshire retirement system board of trustees.
nonconc S am, conf 212, 298, S K 987
- HB 308**, establishing a committee to study the viability of SAUs, and whether a school district should vote on whether to belong to an SAU.
new title: establishing a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU.
am 110-111, psd 127, S conc 674, enr 696, appointments 1049 (Chapter 15)
- HB 311**, increasing the membership on the New Hampshire retirement system board of trustees.
K 39
- HB 317**, establishing a grant program for closure of unlined solid waste landfills.
am & Approp 57-59, psd 223-224, 244, conc S am, recon & nonconc S am, conf 935, 941, rep adop 977, enr 1008 (Chapter 307)
- HB 319**, establishing a committee to study the feasibility of using sand or chemicals other than salt for highway snow and ice removal.
K (RC) 162-165

- HB 325**, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates.
am 44-45, psd 126, S conc 716, enr 814 (Chapter 102)
- HB 341**, relative to a small employer insurance availability act and standardized medical benefits forms.
S nonconc 181
- HB 350**, authorizing municipalities and the public utilities commission to regulate cable television rates to the extent that federal law permits.
K 167
- HB 362**, requiring vehicle light use during any period windshield wipers are in operation.
K 167
- HB 370**, establishing a local government advisory committee.
am 45-46, psd 126, S conc 716, enr 814, appointments 1062 (Chapter 103)
- HB 377**, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments.
new title: allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments.
rem 35, rcmt 178, rem 299, debate limited 359, am 360, psd 362, S conc 799, enr 819 (Chapter 125)
- HB 382**, changing the annual rate of interest on judgments and business transactions.
S nonconc 298
- HB 386**, establishing a committee to study the district court system.
S nonconc 181
- HB 387**, relative to the use of gender neutral language in New Hampshire.
am 155, psd 160, S conc 716, enr 814 (Chapter 104)
- HB 388**, relative to disclosures by the seller of real property.
am 99-100, psd 127, S conc 716, enr 814 (Chapter 105)
- HB 389**, relative to information which need not be disclosed in the sale of property.
new title: relative to the disclosure of certain historical information regarding property.
am 100-101, psd 127, nonconc S am, conf 881, 941, S rej rep, new conf 953, rules suspended 987, rep adop 989, enr am 999, enr 1008 (Chapter 365)
- HB 394**, relative to discrimination in automobile insurance policies.
SO 101, K (RC) 134-137
- HB 395**, relative to death with dignity for certain persons suffering terminal illness.
study 151
- HB 401**, rejecting the "fireman's rule" in New Hampshire.
K 44
- HB 403**, prohibiting cable television companies from charging for more than one cable connection per residence.
rem 35, K 178
- HB 404**, relative to reporting requirements for political committees.
new title: relative to the prohibited coercion of employees to make political contributions.
am 105-106, psd 127, conc S am 718, enr am 943, enr 1008 (Chapter 216)
- HB 410-L**, relative to the election of town officers and the appointment of a deputy town treasurer.
new title: relative to the appointment of a deputy town treasurer and the swearing in of town officers.
am 46-47, psd 127, S conc 716, enr 802 (Chapter 70)
- HB 411-FN-L**, relative to the hours of polling in cities and towns.
am 107, psd 127, S conc 717, enr 814 (Chapter 106)
- HB 413-FN**, relative to plumbers and plumbing.
K 39
- HB 414-FN-L**, providing a 2 percent cost of living adjustment for permanent firemen members of the retirement system.
new title: providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system.
am & Approp 61-62, psd 214, 243, conc S am 935, enr 1008 (Chapter 308)

- HB 421**, relative to reorganization of the executive branch of state government.
study 39
- HB 438-FN**, requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number.
new title: requiring criminal history record checks for sales of handguns by dealers using a toll-free telephone number.
2nd new title: requiring criminal history record and protective order checks for sales of handguns by dealers using a premium telephone service.
3rd new title: requiring criminal history record and protective order checks for sales of handguns by dealers using a premium telephone service and making an appropriation therefor.
am 157-160, psd 160, conc S am 935, enr am 999, enr 1008 (Chapter 391)
- HB 439**, relative to the profession of engineering.
am 39-41, psd 126, nonconc S am, conf 935, 941, rep rej, new conf 977, S rej new conf 987, IP 990
- HB 442-FN**, creating the New Hampshire trade port commission.
new title: creating a new Hampshire port authority and making an appropriation therefore.
SO 52, am & Approp 67-90, study 262
- HB 444-FN**, allowing citizens to register to vote while applying for driver's licenses.
rem 35, LT 177, IP 990
- HB 449**, relative to listing candidates on general election ballots.
rcmt 107, am (RC) 228-232, psd 244, S conc 674, enr 696 (Chapter 309)
- HB 451-FN**, regulating naturopathic health care practice.
new title: requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.
SO 120, am (RC) 137-146, psd 160, nonconc S am, conf 935-941, rep adop 978, enr am 999-1000, enr 1008 (Chapter 392)
- HB 458-FN-L**, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily.
new title: requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause.
am (RC) 146-150, psd 160, nonconc S am 935
- HB 459-FN-A**, establishing a demonstration program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor.
new title: establishing a program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor.
am & Approp 62, am 224, psd 244, S conc 929, enr 946 (Chapter 182)
- HB 472-FN**, exempting certain used oil marketers from the hazardous waste cleanup fund fees.
K 118
- HB 480**, limiting the liability of landowners who allow their land to be used for outdoor recreational or educational purposes.
K 44
- HB 491-FN-A-L**, requiring that certain medicaid enhancement funds be used to augment the funding distributed under the Augenblick formula for state aid to education.
K (RC) 96-99
- HB 496**, making ownership of a pharmacy by certain medical professionals grounds for pharmacy permit suspension or revocation.
K 35
- HB 497**, allowing towns and school districts to use the official ballot for any issue before the voters.
SO 107, study (2 RCs) 129-134, recon rej 160, remarks 161
- HB 502**, relative to public trust water rights in New Hampshire.
K 48
- HB 510**, relative to certificate of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions.

new title: relative to certificate of election blanks and write-in votes.
conc S am 419, enr am 1000, enr 1008, (Chapter 366)

HB 514, amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees.

new title: amending the election laws relative to the political calendar and election ballots.
conc S am 420, enr 665 (Chapter 4)

HB 517-FN, to establish a statewide bingo game.

K 48

HB 519-FN, making technical changes in the mental health laws and relative to persons providing active care services.

SO 120, K 146

HB 520, eliminating straight ticket voting on the ballot.

K (RC) 107-110

HB 523, requiring emblems to assist firefighters to be placed on certain buildings.

K 48

HB 525, relative to city budgets for school districts.

K 47

HB 526, relative to insurance reimbursement for prescription goods and services by New Hampshire pharmacists.

K 101

HB 527, relative to limiting the taking of deer in Rockingham county.

K 51

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

S conc 799, enr am 951, enr 1008, veto sustained (RC) 1010-1013

HB 541, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections.

conc S am 420, enr 696 (Chapter 8)

HB 544, relative to telephone solicitation.

K 35

HB 545, authorizing the state to enforce domestic violence protective orders issued in other states.

K 44

HB 569-FN-L, relative to flammability testing of seating furniture manufactured for public buildings.

K 48

HB 570-FN-L, creating a statewide current use reimbursement program.

study 118

HB 576-FN-A, relative to the taxation of meals.

new title: allowing Rockingham Park to avoid increased tax rates for 1995, 1996 and 1997 to repay the state for contributions to the purse fund by making a lump sum payment to the state.

am (2 RCs) 167-174, psd 178, conc S am 675, enr 696 (Chapter 5)

HB 579, relative to the right of police officers to recover for injuries caused by the wanton or willful conduct of others.

K 44

HB 583, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts.

new title: requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors.

am 41-42, psd 126, S conc 880, enr 946 (Chapter 183)

HB 586-FN, exempting certain OHRVs from registration fees.

K 50

HB 591, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card.

S conc 181, enr 180 (Chapter 2)

- HB 599-FN-L**, allowing school districts to contract with selected secular schools for the education of the district's children, and granting school districts an option to implement an education voucher program.
new title: establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment.
am 111-113, psd 127, conc S am 801, enr 927, appointments 1049-1050 (Chapter 126)
- HB 610-FN**, requiring the development of plans and procedures for the coordination of marine patrol law enforcement activities on New Hampshire tidal waters and requiring the marine patrol to use the Coast Guard equipment standards on New Hampshire tidal waters exclusively.
new title: requiring joint registration for primary craft and their tender.
am 50-51, psd 127, S conc 717, enr 798 (Chapter 38)
- HB 616-FN-A-L**, providing for property tax relief and making an appropriation therefor.
K 99
- HB 618-FN-L**, limiting the amount a town or city may receive from sale of property taken in default of redemption.
K 47
- HB 622-FN**, relative to solid waste management districts.
rcmt 119, am 565-572, psd 591, conc S am 936, enr am 1000, enr 1008 (Chapter 367)
- HB 624**, creating a unit within the department of environmental services to certify certain scientists.
nonconc S am 881
- HB 625-FN**, relative to the sale of fireworks and levying a tax thereon.
SO 52, am & Ways and Means 90-95, study 580-581
- HB 628-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons.
SO 167, am (RC) 181-185, psd 209, nonconc S am, conf 881, 941, S rej conf rep 987
- HB 630-FN**, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers.
am 35-36, psd 126, S conc 674, enr 696 (Chapter 9)
- HB 632**, relative to filing requirements for candidates running for the office of state representative.
K 110
- HB 634**, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists.
am 36-37, psd 126, nonconc S am 936
- HB 635-FN**, relative to social security cost-of-living increases to certain recipients of assistance.
new title: relative to social security cost-of-living increases to residents of residential care facilities and community residences and establishing a committee to study the rate structure of residential care facilities.
am & Approp 62-63, am 320, psd 362, conc S am 801, enr 819, appointments 1050 (Chapter 127)
- HB 639-FN-A**, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.
am & Exec. Depts 52-54, am & Ways and Means 233, am 581, psd 591, nonconc S am, conf 936, 941, rep adop 978, enr am 1000, enr 1008, appointments 1066 (Chapter 368)
- HB 647**, requiring the department of transportation to study the feasibility of a bypass around the town of Troy and to reconstruct the N.H. Routes 9 and 119 bridges over the Connecticut river and making an appropriation therefor.
K 48
- HB 652-FN**, requiring state fees to reflect only the direct and indirect costs of a program funded or function provided.
new title: relative to state fee reform.
am 174-177, psd 178, conc S am 936, enr am 1000, enr 1008, veto sustained (RC) 1013-1016
- HB 656-FN**, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991.

HB 656-FN, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991.

new title: to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988 but before July 1, 1991.

2nd new title: to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988 but before July 1, 1991, and relative to extending medical benefits to persons who retire on a split-benefit retirement allowance with at least 10 years of service as a group II member.

Approp 42, rem 213, rcmt 239, am 299-300, psd 361, nonconc S am, conf 936, 941, rep adop 978, enr 1008 (Chapter 310)

HB 659-FN, relative to road tolls on users of special fuel.

K 66

HB 660-FN, relative to drug forfeiture.

am 151-154, psd 160, S conc 815, enr am 951, enr 1008, appointments 1050 (Chapter 343)

HB 661-FN-A, relative to the highway and bridge betterment program fund, establishing transportation programs, increasing the road toll on users of motor fuel, and levying a gasoline floor tax.

new title: relative to the highway and bridge betterment program.

2nd new title: relative to the highway and bridge betterment program and establishing a committee to examine the problems of an inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire.

am 165-166, psd 178, nonconc S am, conf 675, 941, rep adop 978, enr 1008, appointments 1050 (Chapter 311)

HB 670-FN, repealing the authority of the fish and game department to regulate the taking and sale of clams, clam worms, and oysters and granting municipalities such authority.

K 51

HB 676-FN-L, relative to unfunded state mandates and exempting political subdivisions from certain fees imposed by the department of environmental services.

rcmt 119, K (RC) 278-280

HB 677, relative to the term of office for commissioners of state departments.

new title: relative to the term of office for certain commissioners, deputy commissioners, and assistant commissioners of state departments.

am 120-123, psd 127, S nonconc 817

HB 678-FN, relative to unfunded state mandates and exempting political subdivisions from certain administrative fines.

K 48

HB 679-FN-L, relative to unfunded mandates, limiting the catastrophic aid liability of school districts, and requiring notice and public hearing of state education plans.

K 37-38

HB 680-FN-L, relative to unfunded mandates and removing the requirement that a town give notice to certain landowners prior to the discontinuance of certain highways.

K 47

HB 683-FN-L, relative to unfunded mandates and removing certain duties of local officials regarding the checklist and voter registration.

K 37

HB 686, relative to legislative review of proposed administrative rules.

psd 155, 160, S conc 799, enr 802, Governor's comments 928-929 (Chapter 97)

HB 688, relative to the felonious use of crossbows.

K 48

HB 691, relative to gaming revenues and establishing a committee to study the marketing of state lotteries and attitudes concerning the expansion and regulation of gambling in the state and making an appropriation therefor.

K 167

1994 SESSION HOUSE BILLS

HB 1000-1009, Not introduced.

HB 1010-L, relative to a 10-year transportation plan. (G. Chandler, Carr 1, to Public Works) 674, rules suspended & am 846-861, psd 878, conc S am 936, enr 1008 (Chapter 344)

HB 1011-1049 Not introduced.

HB 1050-FN, establishing the health care transition fund and continually appropriating the fund to the department of health and human services. (A. Torr, Straf 12, to Appropriations)
new title: establishing the health care transition fund, making certain appropriations, and clarifying the procedure relative to the uncompensated care administration fund. 417, am (RC) 681-688, psd 696, S conc 815, enr 885 (Chapter 122)

HB 1051-1099, Not introduced.

HB 1100, prohibiting the release of wolves. (G. Chandler, Carr 1, et al, to Wildlife and Marine Resources)

new title: relative to the importation, possession and breeding of wild hybrid canines in the State of New Hampshire.

2nd new title: relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines.

3rd new title: relative to the importation, possession and sale of wolf hybrids and establishing a study committee on wolf hybrids.

6, rem 214, rcmt 242, SO 617, am 631-634, psd 665, conc S am 936, enr 953, appointments 1050-1051 (Chapter 265)

HB 1101, relative to the collection of protested checks by the department of safety. (Crotty, Hills 43, et al, to Executive Departments and Administration)

new title: relative to the collection of protested checks by the department of safety and relative to an outside lease for the electricians board.

6, am 250, psd 293, conc S am 881, enr 946 (Chapter 184)

HB 1102, requiring all buildings built by public funds to have pitched roofs of at least 10 degrees. (Dickinson, Carr 2, to Public Works)

6, K 189

HB 1103, redefining the term "camp" for boys and girls. (Dickinson, Carr 2, to Resources, Recreation and Development)

6, am 257, psd 294, S conc 674, enr 696 (Chapter 16)

HB 1104, making a person who knowingly causes the death of a judicial officer guilty of capital murder. (Christie, Rock 22, et al, to Corrections and Criminal Justice)

6, am 460-461, psd 489, S conc 815, enr 927 (Chapter 128)

HB 1105, limiting the suspension of sentences. (Christie, Rock 22, et al, to Corrections and Criminal Justice)

6, am 461, psd 489, S conc 816, enr 927 (Chapter 129)

HB 1106, establishing the crime of sexual abuse, continuing course of conduct. (D. Sytek, Rock 26, et al, to Corrections and Criminal Justice)

new title: making a person, who purposely engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.

2nd new title: making a person, who engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.

6, am 518-519, psd 590, conc S am 817, enr 946 (Chapter 185)

HB 1107, making crack cocaine subject to greater penalties under the controlled drug act. (C. William Johnson, Merr 7, et al, to Corrections and Criminal Justice)

new title: making crack cocaine subject to greater penalties under the controlled drug act and prohibiting the operation of methadone maintenance programs.

6, am 562-563, psd 591, conc S am 817, enr 946 (Chapter 186)

HB 1108, relative to the appointment of members to the northeast interstate dairy compact commission. (M. Campbell, Rock 26, et al, to Environment and Agriculture)

new title: relative to the appointment of members to the northeast interstate dairy compact commission and relative to the certification of milk laboratories.

6, am 464-465, psd 489, conc S am 817, enr 949 (Chapter 219)

- HB 1109**, relative to dual enrollment. (Carter, Merr 7, et al, to Education)
6, am 250, psd 293, S conc 816, enr 927 (Chapter 130)
- HB 1110**, relative to the qualifications and license waiver period for speech and language pathologists. (Dunn, Merr 24, et al, to Health, Human Services and Elderly Affairs)
new title: relative to the license waiver period for speech and language pathologists, and repealing the sunset review of the administrative attachment of the board of marital mediators.
6, com changed 30, am 660-661, psd 666, S conc 799, enr 814 (Chapter 107)
- HB 1111**, permitting one-day family fishing licenses upon payment of a certain fee. (Coulombe, Coos 7, et al, to Wildlife and Marine Resources)
6, am & Ways and Means 223, psd 581, 591, S conc 799, enr 927 (Chapter 131)
- HB 1112**, permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials. (Drake, Rock 24, et al, to Wildlife and Marine Resources)
6, am 223, psd 244, S conc 880, enr 949 (Chapter 246)
- HB 1113**, requiring that any claim filed under RSA 541-B be brought solely against agencies and not against officials or employees of agencies. (Lown, Hills 14, et al, to Judiciary)
new title: relative to claims filed under RSA 541-B against both the state and an agent of the state.
6, am 251-252, psd 294, S conc 799, enr 802 (Chapter 52)
- HB 1114**, relative to child support enforcement orders. (Woods, Rock 25, to Children, Youth and Juvenile Justice)
6, am 215, psd 243, conc S am 698, enr 802 (Chapter 94)
- HB 1115**, making a violation of RSA 205-A:2 an unfair trade practice. (B. Packard, Hills 19, to Commerce, Small Business and Consumer Affairs)
new title: relative to violations of RSA 205-A.
6, am 510-511, psd 589, S conc 800, enr 879 (Chapter 132)
- HB 1116**, relative to the release of health care data. (Copenhaver, Graf 10, to Health, Human Services and Elderly Affairs)
6, psd 219, 243, S conc 816, enr 927 (Chapter 133)
- HB 1117**, relative to new motor vehicle arbitration. (B. Packard, Hills 19, to Commerce, Small Business and Consumer Affairs)
6, am 300-301, psd 361, S conc 717, enr am 944, enr 949 (Chapter 220)
- HB 1118**, eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glencliff home for the elderly be determined in accordance with the administrative procedure act. (LaMott, Graf 5, to Appropriations)
new title: eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glencliff home for the elderly be determined in accordance with the administrative procedure act and relative to persons with head injuries.
6, psd 186, 209, conc S am 936, enr 949 (Chapter 247)
- HB 1119**, authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus. (LaMott, Graf 5, to Public Works)
new title: authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus, and relative to certain technical changes in the mental health laws.
6, psd 207, 210, conc S am 817, enr 949 (Chapter 248)
- HB 1120-L**, making procedural and housekeeping changes regarding the board of tax and land appeals. (Schothanus, Sull 3, et al, to Municipal and County Government)
new title: making procedural and housekeeping changes regarding the board of tax and land appeals and relative to the jurisdiction of the board.
2nd new title: making procedural and housekeeping changes regarding the board of tax and land appeals.
6, am 252-253 psd 294, nonconc S am, conf 881, 941, rep adop 978, enr am 1001, enr 1008 (Chapter 393)

- HB 1121**, repealing the standardbred breeders and owners development agency. (M. Campbell, Rock 26, et al, to Environment and Agriculture)
6, psd 465, 489, S conc 800, enr 814 (Chapter 108)
- HB 1122**, not introduced.
- HB 1123-FN**, relative to membership in group II of the New Hampshire retirement system and employment with the police standards and training council. (J. Flanders, Rock. 18, to Executive Departments and Administration)
7, K 281
- HB 1124**, extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county. (Murphy, Hills 42, et al, to Judiciary)
7, am 440, psd 488, S conc 717, enr 802 (Chapter 53)
- HB 1125**, permitting collection agencies to accept assignment of debts. (Bill Johnson, Rock 17, to Commerce, Small Business and Consumer Affairs)
7, K 511
- HB 1126**, making an assault upon a peace officer a class B felony. (Stritch, Rock 5, to Corrections and Criminal Justice)
7, K 302
- HB 1127**, requiring timely mailing of payments or remittances relating to tax liens and tax sales, tax lien and tax sale redemptions, and payments of subsequent taxes. (W. Riley, Ches 7, to Municipal and County Government)
7, rem 299, SO 353, K 430
- HB 1128**, revising the selection process for the board of education. (Hemon, Straf 11, et al, to Executive Departments and Administration)
7, rem 213, K 239
- HB 1129**, establishing a committee to study reducing the number of state classified and unclassified positions. (Morello, Hills 38, et al, to Executive Departments and Administration)
7, K 233
- HB 1130**, relative to the qualifications for a state representative to hold office. (Vaughn, Rock 35, to Constitutional and Statutory Revision)
7, K 434
- HB 1131**, making all case or court records of the division for children and youth services open to the public. (Hemon, Straf 11, to Children, Youth and Juvenile Justice)
7, K 215-216
- HB 1132**, relative to the failure to renominate or reelect teachers. (C. Jean, Hills 32, et al, to Education)
7, K 264
- HB 1133**, allowing organization members' spouses to assist at bingo games. (Searles, Hills 23, et al, to Regulated Revenues)
7, psd 222, 243, S conc 880, enr 949 (Chapter 221)
- HB 1134**, increasing the penalty for criminal threatening and reckless conduct with a firearm. (Christie, Rock 22, et al, to Corrections and Criminal Justice)
new title: increasing the penalty for criminal threatening and reckless conduct with a deadly weapon.
7, am 519, psd 590, S conc 816, enr 946 (Chapter 187)
- HB 1135**, granting marital masters limited powers to impose penalties for contempt. (Lown, Hills 14, et al, to Judiciary)
new title: granting marital masters limited powers to impose penalties for civil contempt.
2nd new title: relative to a judicial council study of family matters within the state court system.
3rd new title: relative to a study committee of resolution of family issues within the state court system.
7, rules suspended, am, LT & S Ct opin req (HR 55) 415-416, S Ct opin printed, am & rcmt 796-797, am 843, psd 878, nonconc S am, conf 936, 941, rep adop 978, enr am 1001, enr 1008, appointments 1051 (Chapter 413)

- HB 1136**, repealing the requirement that hunters expose the carcass of deer. (Wadsworth, Graf 14, to Wildlife and Marine Resources)
7, am 190, psd 209, S conc 674, enr 696 (Chapter 10)
- HB 1137**, permitting the use of arrows without the name and address of the owner. (Wadsworth, Graf 14, to Wildlife and Marine Resources)
7, K 190
- HB 1138-FN-L**, allowing free parking for jurors serving at regional jury trial courts. (Murphy, Hills 42, et al, to Municipal and County Government)
7, com changed 30, study 374
- HB 1139-FN-L**, allowing any individual under 18 years of age access to high school equivalency (GED) testing. (Kennedy, Merr 7, et al, to Education)
7, K 522
- HB 1140-FN**, expanding activities permitted under special hunting licenses for persons 68 years of age or older. (L'Heureux, Hills 18, et al, to Wildlife and Marine Resources)
7, study 316
- HB 1141-FN-A**, eliminating cigarette stamps. (Cowenhoven, Hills 14, et al, to Ways and Means)
7, psd 207, 209, S nonconc 881
- HB 1142-FN**, relative to lenders regulated by the banking department, relative to consumer credit transactions, and adjusting certain financial services fees. (B. Packard, Hills 19, to Commerce, Small Business and Consumer Affairs)
new title: relative to lenders regulated by the banking department and relative to consumer credit transactions.
7, am & Ways and Means 320-326, psd 581, 591, nonconc S am, conf 936, 941, S K 987
- HB 1143**, increasing the penalties for illegal clamming. (Drake, Rock 24, et al, to Wildlife and Marine Resources)
7, rem 214, rcmt 242, am 547, psd 591, S conc 800, enr am 944, enr 949 (Chapter 217)
- HB 1144-FN**, permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee. (Drake, Rock 24, et al, to Wildlife and Marine Resources)
new title: permitting the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer and relative to the permit fee.
7, am 190, psd 209, nonconc S am, conf 936-937, 942, rep adop 978, enr am 1001, enr 1008 (Chapter 369)
- HB 1145-FN**, relative to cashers of checks and issuers of money orders and setting certain fees. (B. Packard, Hills 19, to Commerce, Small Business and Consumer Affairs)
new title: relative to cashers of checks and setting certain fees.
7, am & Ways and Means 364-369, study 581
- HB 1146-FN-L**, relative to climate control upgrades for year-round schools. (Skinner, Rock 27, et al, to Education)
8, am & Approp (RC) 264-267, K 504
- HB 1147-FN**, relative to parental liability for support of dependent children on public assistance. (Woods, Rock 25, to Children, Youth and Juvenile Justice)
8, am 216, psd 243, conc S am 801, enr 946 (Chapter 188)
- HB 1148-FN-A**, to exempt certain individuals from the payment of the tax on interest and dividends. (Gorman, Rock 8, to Ways and Means)
8, K 662
- HB 1149**, to require prompt public notification of radioactive releases and other safety related events at nuclear power plants. (K. Pratt, Rock 22, et al, to Science, Technology and Energy)
8, K 477
- HB 1150**, requiring a financial institution to allow an applicant for a mortgage loan to select an appraisal firm from a list of firms supplied by the institution. (F. Torr, Straf 12, to Commerce, Small Business and Consumer Affairs)
8, K (RC) 635-637
- HB 1151**, prohibiting the use of certain motorized craft on the ice or open waters of Spoonwood Pond in the towns of Nelson and Hancock. (W. Riley, Ches 7, et al, to Resources, Recreation and Development)

new title: prohibiting the use of certain motorized craft on Spoonwood Pond in the town of Nelson.

8, am 257, psd 294, S conc 717, enr 798 (Chapter 39)

HB 1152, requiring insurance companies to give discounts to drivers over 55 years who complete an approved driver safety course. (McCarty, Hills 38, et al, to Commerce, Small Business and Consumer Affairs)

8, rem 504, SO rej & K 585-586

HB 1153-FN, adopting the revised Uniform Enforcement of Foreign Judgments Act. (Lown, Hills 14, et al, to Judiciary)

8, psd 202, 209, conc S am 937, enr 953 (Chapter 266)

HB 1154, extending the "lemon law" to include recreational vehicles. (Robertson, Ches 18, et al, to Commerce, Small Business and Consumer Affairs)

new title: establishing a committee to study the feasibility of establishing a separate arbitration board for recreational vehicle defects.

8, am 433, psd 487, S conc 717, enr 814, appointments 1051 (Chapter 109)

HB 1155, establishing a committee to study the economic feasibility of the sale of state signs and other related state items. (Franks, Hills 26, et al, to Economic Development)

new title: establishing a committee to study the economic feasibility of the sale of state signs, special state license plates, and other related state items.

8, am 647-648, psd 666, S nonconc 801

HB 1156, allowing the school board to provide transportation to certain pupils when directed by a vote of the school district meeting. (Chester, Rock 20, to Education)

8, K 438

HB 1157, extending the time for a motion for rehearing under RSA 541. (Chester, Rock 20, to Judiciary)

8, am 290, psd 294, S conc 717, enr 802 (Chapter 54)

HB 1158, relative to the state's policy regarding the review and assessment of new health services. (R. Foster, Carr 10, to Health, Human Services and Elderly Affairs)

new title: relative to the state's policy regarding the review and assessment of new health services and relative to the membership of the health services planning and review board.

8, psd 187, 209, conc S am 937, enr 1008 (Chapter 345)

HB 1159, requiring manufactured housing park owners to compensate residents for relocation costs due to change in land use of the park. (Hurst, Rock 22, to Commerce, Small Business and Consumer Affairs)

8, am 511, psd 589, S study 801

HB 1160, requiring certain questions pertaining to gambling to be included on the official ballot for the 1994 state general election. (B. Moore, Rock 21, to Constitutional and Statutory Revision)

8, rem 431, SO 486, K (RC) 491-493

HB 1161, relative to the authority of the state to regulate political advertising which is broadcast. (D. Sytek, Rock 26, to Constitutional and Statutory Revision)

8, am 458, psd 489, S nonconc 817

HB 1162-FN, authorizing the department of environmental services, division of water resources, to acquire certain dams. (McKinley, Straf 2, et al, to Resources, Recreation and Development)

8, am & Approp 257-258, study 550

HB 1163, relative to state immunity on land opened for recreational uses. (Lown, Hills 14, et al, to Judiciary)

8, K 188

HB 1164, requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody. (Lown, Hills 14, et al, to Judiciary)

8, psd 188-209, S conc 717, enr 802 (Chapter 55)

HB 1165-L, repealing requirements for a census of disabled students. (Tate, Hills 23, et al, to Education)

new title: repealing requirements for a census of disabled students, and providing for additional special education reimbursement for certain pupils.

8, am 522-523, psd 590, S conc 816, enr 927 (Chapter 134)

HB 1166, relative to minutes and decisions of nonpublic sessions under the right to know law. (L'Heureux, Hills 18, et al, to Judiciary)

8, K 202

HB 1167, relative to electing the county commissioners for Belknap county. (Dewhirst, Belk 7, et al, to Municipal and County Government)

8, K 307

HB 1168, eliminating the requirement that any person applying for a mooring permit furnish the director of safety services with proof of a boat registration or boat ownership. (Andrews, Hills 34, to Resources, Recreation and Development)

9, rem 246, study 293

HB 1169, relative to the membership of the aviation users advisory board. (Weyler, Rock 18, et al, to Executive Departments and Administration)

9, K 233

HB 1170, allowing patients at Friendship House in Bethlehem to fish without a license. (C. Johnson, Belk 1, to Wildlife and Marine Resources)

7, study 547

HB 1171, relative to the requirements for submission of plans for sewage or waste disposal systems. (J. Chandler, Merr 1, to Resources, Recreation and Development)

new title: relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services.

2nd new title: relative to requirements for submission of plans for sewage or waste disposal systems.

9, am 449, psd 488, nonconc S am, conf 718, 881, rep adop 978, enr 1008 (Chapter 312)

HB 1172, prohibiting employees of the liquor commission from holding elected state and local offices. (Pageotte, Straf 14, et al, to Executive Departments and Administration)

9, K 233

HB 1173, prohibiting a right turn on red when a walk signal is on. (Milligan, Hills 18, et al, to Transportation)

9, psd 544, 591, S conc 816, enr 927 (Chapter 135)

HB 1174-L, allowing the selectmen, under certain circumstances, to manage town real property. (P. Bradley, Coos 6, to Municipal and County Government)

9, psd 307, 361, S conc 674, enr 696 (Chapter 17)

HB 1175, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. (Houlahan, Merr 2, to Public Protection and Veterans Affairs)

9, rem 214, psd (RC) 239-242, 244, S nonconc 881

HB 1176-FN, requiring a writ of habeas corpus to be filed in the superior court of the county in which the person is incarcerated. (Lown, Hills 14, et al, to Judiciary)

9, psd 202, 209, S conc 717, enr 802 (Chapter 56)

HB 1177, establishing an advisory committee on child care. (Wallner, Merr 24, to Children, Youth and Juvenile Justice)

9, am 509, psd 589, S conc 800, enr 927, appointments 1063-1064 (Chapter 180)

HB 1178-FN, relative to licenses to carry loaded pistols and revolvers. (Houlahan, Merr 2, to Public Protection and Veterans Affairs)

9, study 310

HB 1179, relative to the information required in agency requests for appropriations during the budget preparation process. (C. Brown, Graf 14, to Appropriations)

9, am 186, psd 209, S conc 929, enr 946 (Chapter 189)

HB 1180, modifying the arson statutes to include wooden covered bridges and increasing the penalty. (Mock, Carr 3, et al, to Public Protection and Veterans Affairs)

new title: modifying the arson statutes to include historic structures and increasing the penalty.

9, com changed 30, am 436, psd 487, nonconc S am, conf 882, 942, rep adop 978, enr 1008 (Chapter 346)

HB 1181, relative to oral authorizations for interceptions of communications in certain emergencies. (Mock, Carr 3, to Judiciary)
9, K 468

HB 1182, defining "government entity" with regard to liability of volunteers of government entities. (J. Chandler, Merr 1, et al, to Judiciary)
9, K 219

HB 1183-FN-L, providing a 5 percent cost of living adjustment for teacher members of the retirement system. (Pearson, Ches 17, to Executive Departments and Administration)

new title: providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members.
9, am & Approp 303-304, psd 504-505, 589, S conc 929, enr 949 (Chapter 222)

HB 1184-FN-L, allowing towns which contract with other school districts for their resident high school students to be exempt from paying the tuition costs for foreign exchange students. (O'Brien, Straf 4, et al, to Education)

new title: establishing a committee to study the foreign exchange student programs in New Hampshire.

9, am 302-303, psd 361, S conc 717, enr 814, appointments 1051 (Chapter 110)

HB 1185, relative to the registration of pesticides. (B. Hall, Hills 20, et al, to Environment and Agriculture)

new title: relative to fees charged for the registration of private pesticide applicators.

9, am 602-603, psd 618, nonconc S am, conf 937, 942, rep adop 978, enr 1008 (Chapter 313)

HB 1186, making a breach of confidentiality a violation of oath of office for town officers. (Nordgren, Graf 10, et al, to Municipal and County Government)

9, am 307, psd 361, conc S am 817, enr 949 (Chapter 249)

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature. (Lozeau, Hills 30, et al, to Commerce, Small Business and Consumer Affairs)

new title: relative to the signature of manufactured housing park owners on deeds and the fee for such signature and relative to land fee increases in manufactured housing parks.

9, am 301, psd 361, nonconc S am, conf 937, 942, rep adop 978, enr 1008 (Chapter 314)

HB 1188, increasing the penalty for killing a police dog or police horse. (Putnam; Rock 15: to Corrections and Criminal Justice)

9, am 187, psd 209, S conc 717, enr 814 (Chapter 111)

HB 1189, establishing a study committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act. (J. Bradley, Carr 8, et al, to Environment and Agriculture)

new title: relative to emissions testing and establishing a committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act.

9, am 657-660, psd 666, S conc 717, enr 802, appointments 1051 (Chapter 98)

HB 1190, authorizing the state prison to notify the victim of a sexual assault that the perpetrator tested positive for the HIV virus. (Lozeau, Hills 30, et al, to Health, Human Services and Elderly Affairs)

new title: authorizing the state to notify the victim of a sexual assault of the perpetrator's test results for HIV virus.

9, am 251, psd 294, S conc 675, enr 696 (Chapter 18)

HB 1191-FN, relative to victims' rights in sentencing hearings and the victims' compensation fund. (Lozeau, Hills 30, et al, to Judiciary)

new title: relative to victims and victims' compensation.

10, am 374-375, psd 402, conc S am 937, enr am 1001, enr 696 (Chapter 394)

HB 1192, establishing a committee to study the issue of the elderly and the cost of prescription drugs. (Hilliard, Straf 14, et al, to Health, Human Services and Elderly Affairs)

10, K (RC) 236-238

- HB 1193**, amending the charter of St. Mary's Bank. (Turgeon, Hills 47, to Commerce, Small Business and Consumer Affairs)
new title: amending the charter of St. Mary's Bank and relative to charter conversions by banks.
 10, psd 217, 243, nonconc S am, conf 882, 942, 949, rep adop 978, enr 1008 (Chapter 315)
- HB 1194-FN**, relative to the board of accountancy and related professional fees. (Fillion, Merr 17, to Commerce, Small Business and Consumer Affairs)
 10, com changed 30, am 329-333, psd 362, nonconc S am, conf 937, 942, rep adop 978, enr 1008 (Chapter 316)
- HB 1195-FN-L**, consolidating the pari-mutuel commission and sweepstakes commission into a gambling commission. (Burling, Sull 1, et al, to Executive Departments and Administration)
 10, K (RC) 233-236
- HB 1196-FN**, changing the composition of the liquor commission. (Burling, Sull 1, et al, to Regulated Revenues)
 10, K (RC) 346-348
- HB 1197-FN**, transferring the responsibility for public rest areas from the department of transportation to the office of vacation travel. (Dickinson, Carr 2, to Public Works)
 10, K 189
- HB 1198-FN**, waiving the filing fee for any petition to the superior court alleging a violation of the state right-to-know law. (Kurk, Hills 5, to Judiciary)
 10, K 219
- HB 1199**, relative to state referendum questions on proposed changes in the New Hampshire house of representatives. (Teague, Merr 20, et al, to Constitutional and Statutory Revision)
 10, K (RC) 327-329
- HB 1200-FN**, relative to compensation paid for property taken by eminent domain in New Hampshire. (B. Johnson, Rock 17, to Judiciary)
 10, study 202
- HB 1201-FN**, relative to a companion animal population control fee for cats. (Cole, Ches 11, et al, to Municipal and County Government)
 10, study 222
- HB 1202**, relative to rules in manufactured housing parks. (Lozeau, Hills 30, et al, to Commerce, Small Business and Consumer Affairs)
 10, K 217
- HB 1203-FN**, making technical amendments to the banking laws. (B. Packard, Hills 19, to Commerce, Small Business and Consumer Affairs)
 10, am 217-218, psd 243, conc S am 882, enr 949 (Chapter 250)
- HB 1204-FN**, establishing a procedure for the acquisition, condemnation, or removal of dams to be followed by the department of environmental services, division of water resources. (Harwell, Coos 7, to Resources, Recreation and Development)
 10, K 258
- HB 1205-FN**, licensing commercial animal boarding facilities and establishing fees for such licensure. (V. Clark, Rock 15, to Environment and Agriculture)
 10, K 280-281
- HB 1206**, relative to the procedure to follow when an optional elected town office is discontinued. (Stone, Rock 7, et al, to Municipal and County Government)
 10, psd 307, 361, S conc 675, enr am 802, enr 814 (Chapter 112)
- HB 1207-FN**, relative to the administration of small estates. (Nichols, Merr 2, et al, to Judiciary)
 10, am 219-221, psd 243, conc S am 801, enr 879 (Chapter 136)
- HB 1208**, creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters. (Malcolm, Rock 22, et al, to Transportation)
 10, am 482, psd 489, S conc 800, enr 927, appointments 1052 (Chapter 137)
- HB 1209-FN**, relative to administrative motor vehicle suspensions. (Lozeau, Hills 30, to Corrections and Criminal Justice)
new title: relative to administrative motor vehicle license suspensions.
 10, rem 504, am 586-588, psd 592, S conc 880, enr am 951, enr 1008 (Chapter 347)

- HB 1210**, requiring cooperative school districts to base part of their costs on a town's valuation. (Avery, Ches 8, et al, to Education)
10, K 438
- HB 1211**, allowing the adoption of bylaws relative to the maintenance and operation of municipal water departments. (Nordgren, Graf 10, et al, to Science, Technology and Energy)
new title: relative to the authority of municipal water departments and to fee charged by such departments.
2nd new title: relative to the authority of municipal water departments and to fees charged by such departments and relative to the Freedom Village Water Precinct.
10, am 259-262, psd 294, conc S am 718, enr 814 (Chapter 95)
- HB 1212-FN**, revising the special education provisions relating to mediation. (Carter, Merr 7, et al, to Education)
new title: revising the special education mediation provisions to include neutral conferences.
10, am 372-373, psd 402, conc S am 882, enr 949 (Chapter 223)
- HB 1213-FN-A**, appropriating funds to the state commission for human rights for the purpose of hiring temporary help. (Buckley, Hills 44, et al, to Appropriations)
new title: appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made.
10, am 262-263, psd 294, S conc 929, enr 949 (Chapter 251)
- HB 1214-FN**, relative to driver safety at highway construction sites. (LaMott, Graf 5, et al, to Transportation)
10, am 314-315, psd 361, conc S am 937, enr 949 (Chapter 252)
- HB 1215-FN-L**, establishing 400 separate districts for the election of state representatives and renumbering state representative districts. (Gilmore, Straf 11, to Constitutional and Statutory Revision)
11, K (RC) 369-371
- HB 1216**, allowing the exclusion of certain corporate officers and members of limited liability companies from workers' compensation coverage. (Cogswell, Carr 5, to Labor, Industrial and Rehabilitative Services)
new title: allowing the exclusion of certain corporate officers and members and managers of limited liability companies from workers' compensation coverage.
11, psd 442-488, conc S am 801, enr am 944, enr 953 (Chapter 267)
- HB 1217-FN-L**, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges. (G. Chandler, Carr 1, et al, to Public Works)
11, psd 189, 209, nonconc S am, conf 937, 942, rep adop 978, enr 1008 (Chapter 317)
- HB 1218-FN-L**, establishing maximum class sizes as currently specified in rules of the state board of education. (A. Pelletier, Straf 12, to Education)
11, K 187
- HB 1219**, requiring that state publications be written and printed in English. (Weyler, Rock 18, et al, to Executive Departments and Administration)
11, K (RC) 199-201
- HB 1220**, requiring utility companies to connect service in a property owner's name during certain months. (K. Pratt, Rock 22, et al, to Science, Technology and Energy)
11, K 314
- HB 1221-L**, prohibiting the taking of game on Sundays and enabling a municipality to adopt ordinances relative to certain hunting practices in its community. (Loder, Straf 8, et al, to Wildlife and Marine Resources)
11, K 190
- HB 1222**, requiring that recounts of certain secret ballot votes take place at the town or school district meeting. (Welch, Rock 18, to Constitutional and Statutory Revision)
11, am 434, psd 487, S conc 717, enr 802 (Chapter 71)
- HB 1223**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. (Cloutier, Sull 8, et al, to Transportation)
11, K (RC) 615-617, recon rej 618

- HB 1224-FN-L**, authorizing the governor to include or remove counties from the emissions inspection and maintenance program. (Houlahan, Merr 2, et al, to Environment and Agriculture)
11, K 232
- HB 1225**, relative to access to medical care. (Groves, Rock 22, et al, to Judiciary)
11, am (RC) 468-472, psd 489, S conc 816, enr 927, veto sustained (RC) 1017-1021
- HB 1226**, relative to filling vacancies on the county executive committee. (D. Sytek, Rock 26, et al, to Municipal and County Government)
11, am 534, psd 590, S conc 800, enr 814 (Chapter 113)
- HB 1227**, allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts. (Knowles, Straf 11, et al, to Corrections and Criminal Justice)
new title: allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts and establishing priority rights as between such victim and the indemnifying entity.
11, am 436-437, psd 488, conc S am 818, enr 946 (Chapter 190)
- HB 1228**, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and continuing the fee for a copy of a burial record. (Williamson, Rock 3, et al, to Municipal and County Government)
new title: recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record.
11, am 535-539, psd 590, conc S am 818, enr am 951, enr 1008 (Chapter 318)
- HB 1229**, prohibiting municipalities from limiting the terms of their local officials. (A. Pelletier, Straf 12, et al, to Municipal and County Government)
11, K 222
- HB 1230**, relative to the residency requirement for elderly exemptions from the property tax. (Hunter, Hills 7, to Municipal and County Government)
11, K 445
- HB 1231**, requiring the state of New Hampshire to designate an area on the statehouse grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial. (D. Sytek, Rock 26, et al, to Public Works)
new title: requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial.
2nd new title: establishing a committee to oversee the site selection, design and construction of a New Hampshire law enforcement memorial.
11, am 311-313, psd 361, nonconc S am, conf 675, 942, rep rej, recon (RC) & rep adop (RC) 978-983, enr am 1001, enr 1008 (Chapter 370)
- HB 1232**, prohibiting annulments for certain crimes. (D. Sytek, Rock 26, et al, to Corrections and Criminal Justice)
11, am 461-463, psd 489, conc S am 818, enr 949 (Chapter 224)
- HB 1233**, making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments. (Allen, Hills 1, to Labor, Industrial and Rehabilitative Services)
new title: making an employer liable for lost employee benefits and employee obligations caused by the employers' untimely payments and making a plan administrator liable for failing to meet certain employee notification requirements.
11, am 532-533, psd 590, S conc 800, enr 879 (Chapter 138)
- HB 1234**, allowing condominium unit owners to post "for sale" or "for lease" signs inside their condominium. (Lundborn, Straf 18, to Commerce, Small Business and Consumer Affairs)
11, K 511
- HB 1235**, requiring an HIV test upon a third or subsequent conviction of prostitution. (Pepino, Hills 40, et al, to Health, Human Services and Elderly Affairs)
11, K 188
- HB 1236**, prohibiting the use of chemical self-defense spray against a peace officer or in the course of committing a crime. (Pepino, Hills 40, et al, to Public Protection and Veterans Affairs)

- new title:** prohibiting the use of aerosol self-defense spray weapons against a law enforcement officer or in the course of committing a crime.
12, am 310-311, psd 361, S conc 816, enr 927 (Chapter 139)
- HB 1237**, making interference with the duty of a probation or parole officer a crime. (Knowles, Straf 11, et al, to Corrections and Criminal Justice)
new title: relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime.
12, am 437, psd 488, nonconc S am, conf 937, 942, rep adop 983, enr am 1001-1002, enr 1008, veto sustained (RC) 1021-1024
- HB 1238-L**, relative to time computation for purposes of statutory construction. (R. Wheeler, Hills 7, to Constitutional and Statutory Revision)
12, am 434-435, psd 487, S conc 717, enr am 951-952, enr 1008 (Chapter 348)
- HB 1239**, requiring peace officers to be trained in assisting sexual assault victims and giving the state police jurisdiction in certain sexual assault offenses. (I. Pratt, Ches 5, et al, to Public Protection and Veterans Affairs)
12, LT 239, IP 990
- HB 1240**, permitting a person to have contact with water in a public water supply when taking a boat in or out of a great pond and when there is a safety issue concerning the boat. (C. Cote, Rock 11, to Resources, Recreation and Development)
new title: permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water.
12, am 449-450, psd 488, nonconc S am, conf 882-942, S K 987
- HB 1241**, relative to the submission and approval of plans and specifications for sewage disposal systems. (Ham, Graf 4, to Resources, Recreation and Development)
12, K 450
- HB 1242**, establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire. (Rosen, Belk 7, et al, to Science, Technology and Energy)
12, psd 314, 361, S conc 816, enr 927, appointments 1052 (Chapter 140)
- HB 1243**, requiring "johns" to publish their convictions in local newspapers. (Lozeau, Hills 30, to Corrections and Criminal Justice)
12, rem 298, SO 353, study 430
- HB 1244**, repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act. (Lozeau, Hills 30, to Judiciary)
new title: repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act and repealing certain provisions regarding witness testimony and admissibility of evidence.
12, am 440-441, psd 488, S conc 800, enr 802 (Chapter 57)
- HB 1245**, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance. (Avery, Ches 8, to Regulated Revenues)
12, am 661-662, psd 666, nonconc S am, conf 938, 942, rep adop 983, (K)
- HB 1246**, relative to ballot access for political parties. (Gorman, Rock 8, to Constitutional and Statutory Revision)
12, rules suspended 383, am & K (RC) 384-386
- HB 1247**, allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances. (Christie, Rock 22, et al, to Corrections and Criminal Justice)
12, am 437-438, psd 488, conc S am 801, enr 946 (Chapter 191)
- HB 1248**, prohibiting a buyer's premium at certain auctions in New Hampshire. (M. Hawkinson, Coos 7, to Commerce, Small Business and Consumer Affairs)
new title: requiring disclosure that a buyer's premium will be charged at certain auctions in New Hampshire.
12, am 249, psd 293, S conc 816, enr 927 (Chapter 141)

- HB 1249**, relative to reporting diseases which may threaten the integrity of the blood supply. (Houlahan, Merr 2, to Health, Human Services and Elderly Affairs)
12, K 188
- HB 1250**, requiring that any person who is authorized to treat water at a water treatment plant be certified as an operator. (Greenberg, Hills 18, to Resources, Recreation and Development)
12, K 258
- HB 1251**, relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits. (Skinner, Rock 27, et al, to Labor, Industrial and Rehabilitative Services)
12, psd 221-222, 243, S conc 675, enr 696 (Chapter 11)
- HB 1252**, allowing mail claims in certain instances in filing for unemployment compensation and relative to disqualification for benefits due to self-employment. (Skinner, Rock 27, et al, to Labor, Industrial and Rehabilitative Services)
new title: allowing mail claims in certain instances in filing for unemployment compensation, relative to disqualification for benefits due to self-employment, and relative to eligibility requirements for benefits.
12, am 442, psd 488, S conc 717, enr 802 (Chapter 72)
- HB 1253**, permitting awards of enhanced damages in civil suits against intoxicated drivers. (Hambrick, Straf 7, to Judiciary)
12, K 221
- HB 1254**, relative to sentencing and removing the limitation on uncompensated public service. (Knowles, Straf 11, to Corrections and Criminal Justice)
new title: relative to the performance of uncompensated public service by persons convicted of crimes.
12, am 520-521, psd 590, S conc 816, enr 946 (Chapter 192)
- HB 1255**, making technical amendments to the limited liability company laws. (Mercer, Hills 27, et al, to Judiciary)
12, am 221, psd 243, S conc 675, enr 696 (Chapter 19)
- HB 1256**, making changes in probate court procedures regarding estate administration. (Knowles, Straf 11, to Judiciary)
new title: allowing probate judges to accept other forms of securities in lieu of bonds from administrators of estates.
12, am 252, psd 294, S conc 800, enr 802 (Chapter 58)
- HB 1257**, relative to the public use of beaches. (Dickinson, Carr 2, et al, to Resources, Recreation and Development)
12, study 477
- HB 1258**, establishing a committee to study the use of tax credits to aid in job creation. (Splaine, Rock 36, to Ways and Means)
12, K 350
- HB 1259**, relative to filling a vacancy for an unexpired term in the office of selectman. (Salatiello, Belk 2, et al, to Municipal and County Government)
13, K 222
- HB 1260-FN-L**, repealing the authority to use local property tax revenue to fund education and creating a committee to study the financing of public education. (D. Hall, Merr 10, et al, to Ways and Means)
new title: establishing a task force to study public education funding issues.
13, SO 617, am (RC) 620-623, psd 665, nonconc S am, conf 938-942, rep adop 983, enr 1008, appointments 1052 (Chapter 349)
- HB 1261-FN**, requiring that no public water access areas shall be constructed without the preliminary approval of the public water access advisory board. (Dickinson, Carr 2, et al, to Resources, Recreation and Development)
13, study 258
- HB 1262-FN**, relative to the compensation for medical, hospital, and remedial care under workers' compensation. (C. Jean, Hills 32, to Labor, Industrial and Rehabilitative Services)

- new title:** relative to the compensation for medical, hospital, and remedial care under workers' compensation and relative to medical and surgical benefits for certain state employees. 13, am 442-443, psd 488, conc S am 938, enr 953 (Chapter 268)
- HB 1263-FN**, authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority. (Rodeschin, Sull 4, to Science, Technology and Energy) 13, am 452-454, psd 488, conc S am 818, enr 946 (Chapter 193)
- HB 1264-FN**, increasing the membership of the board of barbering, cosmetology and esthetics. (C. Moore, Merr 19, to Executive Departments and Administration) 13, K 468
- HB 1265-FN-L**, allowing city treasurers to invest money belonging to the city in certain investment instruments. (Cepaitis, Hills 33, et al, to Municipal and County Government) 13, psd 476, 489, S nonconc 817
- HB 1266-FN**, prohibiting the seizure of property by the fish and game department unless the item is to be used as evidence. (C. Cote, Rock 11, to Wildlife and Marine Resources)
new title: requiring certain property seized by the department of fish and game to be returned if the owner reimburses the department for expenses and pays the required fine. 13, am 316-317, psd 362, S conc 816, enr 927 (Chapter 142)
- HB 1267-FN**, prohibiting the department of fish and game from imposing any penalty on a person greater than that ordered by a court. (C. Cote, Rock 11, to Wildlife and Marine Resources) 13, K 223
- HB 1268-FN-A-L**, relative to widening and adding traffic signals to certain portions of United States Route 3 and making an appropriation therefor. (Whittemore, Merr 13, et al, to Public Works)
new title: requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor.
2nd new title: requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3, granting a right-of-way, approving certain projects in the United States Route 3 and New Hampshire Route 11 transportation corridor study and requiring the department to study traffic alternatives for Franklin to Laconia and making an appropriation therefor.
3rd new title: requiring the department of transportation to add traffic signals and make improvements to certain portions of U.S. Route 3 and making an appropriation therefor. 13, am 291, psd 294, nonconc S am, conf 938, 942, rep adop 983, enr am 1002, enr 1008 (Chapter 371)
- HB 1269-FN-L**, licensing operators of manufactured housing parks and relative to fees for such licensure. (Ham, Graf 4, to Commerce, Small Business and Consumer Affairs) 13, K 301-302
- HB 1270-FN-L**, revising the school money laws and setting forth a school budget act. (Larson, Graf 8, et al, to Education)
new title: establishing a committee to integrate any changes in the municipal budget act into the school district laws. 13, am 523-524, psd 590, S conc 800, enr 802, appointments 1052 (Chapter 73)
- HB 1271-FN**, eliminating southbound tolls at exits 10, 11 and 12 on the Everett turnpike. (Greenberg, Hills 18, to Public Works) 13, rem 186, K 207
- HB 1272-FN**, requiring the pari-mutuel commission to pay for laboratory urine tests from a special escrow account. (R. Hawkins, Belk 3, to Regulated Revenues)
new title: requiring the pari-mutuel commission to pay for certain laboratory urine tests. 13, am & Approp 313, am 550-551, psd 591, conc S am 802, enr 819 (Chapter 143)
- HB 1273-FN**, prohibiting the department of transportation from rejecting a competitive bid for a capital project because the bid includes the use of recycled rubber for paving material. (R. Hawkins, Belk 3, to Public Works) 13, K 189

- HB 1274-FN**, changing the name of the department of fish and game to the department of wildlife and marine resources. (Linda Smith, Belk 5, et al, to Wildlife and Marine Resources)
new title: establishing a committee to examine the impact of changing the name of the department of fish and game to the department of wildlife and marine resources.
 13, am 317, psd 362, S nonconc 718
- HB 1275-FN**, relative to filing fees for certain charitable corporations. (Malcolm, Rock 22, et al, to Commerce, Small Business and Consumer Affairs)
 13, K 263
- HB 1276-FN**, establishing a quality management council for state government. (Malcolm, Rock 22, et al, to Executive Departments and Administration)
 13, K 187
- HB 1277**, allowing a grace period in which old registration plates may be valid prior to required new registration. (Ham, Graf 4, to Transportation)
 13, K 222
- HB 1278-FN-A**, making an appropriation to fund the position of state curator. (Calawa, Hills 17, et al, to Appropriations)
 13, psd 191, 209, S nonconc 931
- HB 1279-L**, relative to taxpayer inventory forms and procedures. (Langer, Merr 11, et al, to Municipal and County Government)
 13, K 476
- HB 1280**, relative to requiring identifying information and credibility verification regarding the reporter and reports, and revising certain definitions in the child protection act. (Moncrief, Hills 13, to Children, Youth and Juvenile Justice)
 13, K 248
- HB 1281**, raising the burden of proof to support allegations under the child protection act. (Moncrief, Hills 13, to Children, Youth and Juvenile Justice)
 14, K 248
- HB 1282**, allowing coyote hunting at night. (Pfaff, Merr 11, to Wildlife and Marine Resources)
new title: allowing coyote hunting at night and establishing a license fee for hunting coyote at night.
 14, am 190-191, psd 209, nonconc S am, conf 938, 942, rep adop 983, enr am 1002, enr 1008 (Chapter 372)
- HB 1283**, relative to transporting trash and scrap metal. (Wall, Straf 9, et al, to Transportation)
new title: relative to transporting loads on highways and establishing fines.
2nd new title: relative to transporting trash and scrap metal.
3rd new title: relative to transporting scrap metal.
 14, am 544-545, psd 591, nonconc S am, conf 882, 942, rep adop 983, enr am 1002, enr 1008 (Chapter 373)
- HB 1284**, increasing the penalties for illegal moose hunting. (Jean, Hills 17, et al, to Wildlife and Marine Resources)
new title: increasing the restitution amount for illegally taking or possessing certain game.
 14, am 317-318, psd 362, S conc 816, enr 946 (Chapter 194)
- HB 1285-FN-L**, establishing contract limitations for the disposal of solid waste. (Lee, Rock 13, et al, to Environment and Agriculture)
new title: permitting solid waste management districts to contract with certain persons for solid waste management services.
 14, am 572-573, psd 591, nonconc S am, conf 938, 942, rep adop 984, enr 1008 (Chapter 319)
- HB 1286-FN**, establishing a board of real property inspectors, requiring the licensing of inspectors, and setting certain fees. (Hutchinson, Rock 29, et al, to Executive Departments and Administration)
 14, K 333
- HB 1287**, relative to exemption of pension money and retirement or profit-sharing benefits from the trustee process. (A. Torr, Straf 12, et al, to Judiciary)
 14, K 441

- HB 1288**, establishing a state advisory and oversight committee on the education of children with disabilities. (Tate, Hills 23, et al, to Education)
new title: establishing a state advisory and oversight committee on the education of children with disabilities and in accordance with federal requirements.
 14, am 524-525, psd 590, S conc 800, enr 814, appointments 1065-1066 (Chapter 114)
- HB 1289-FN**, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program. (D. Sytek, Rock 26, et al, to Legislative Administration)
 14, am 306, psd 361, nonconc S am 882
- HB 1290-FN**, changing the salary of the deputy bank commissioner and removing the bank commissioner as an ex officio voting member of the New Hampshire retirement system board of trustees. (B. Packard, Hills 19, to Executive Departments and Administration)
new title: changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.
2nd new title: replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.
 14, rules suspended 383, am & Approp 387-388, rem 431, am (RC) 482-485, psd 489, conc S am 938, enr 953, appointments 1063 (Chapter 269)
- HB 1291**, limiting the jurisdiction over estates and guardianships by the probate courts. (W. McCann, Straf 11, to Judiciary)
 14, K 188
- HB 1292**, requiring certain disclosure during recruitment by multi-level or network marketing businesses. (Hurst, Rock 22, et al, to Commerce, Small Business and Consumer Affairs)
 14, am 511-512, psd 589, S nonconc 817
- HB 1293**, amending the charter of the union school district of Keene. (Champagne, Ches 19, to Education)
 14, psd 438, 488, S conc 717, enr 927 (Chapter 144)
- HB 1294**, extending the termination date of the lifesaver i.d. pilot program and expanding the funding mechanism. (Lefebvre, Hills 31, to Transportation)
new title: extending the termination date of the lifesaver i.d. pilot program.
 14, am 315, psd 361, S conc 675, enr 696 (Chapter 20)
- HB 1295-FN**, establishing a department of natural resources. (Dickinson, Carr 2, et al, to Executive Departments and Administration)
 14, study 333
- HB 1296**, establishing a committee to examine and introduce legislation consolidating the county departments of corrections with the state department of corrections. (Burling, Sull 1, to Corrections and Criminal Justice)
 14, K 198-199
- HB 1297-FN**, relative to adding statements of original intent to bills and resolutions. (Hunter, Hills 7, et al, to Legislative Administration)
 14, K 252
- HB 1298**, prohibiting a legislator from becoming a lobbyist until 2 years after the expiration of the legislator's term. (C. Brown, Graf 14, et al, to Legislative Administration)
 14, study 534
- HB 1299-FN**, permitting the department of revenue administration, with the approval of the joint legislative fiscal committee, to obtain office and working space. (F. Torr, Straf 12, to Appropriations)
 14, K 431
- HB 1300-FN-A**, requiring the state to pay the cost of superior court bailiffs and making an appropriation therefor. (Mock, Carr 3, et al, to Appropriations)
new title: requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation.
 14, am 431-432, psd 487, S conc 929, enr 953, appointments 1053 (Chapter 270)
- HB 1301**, changing the notification deadline for teachers who are not renominated or reelected. (Snyder, Straf 14, et al, to Education)
 14, study 438-439

- HB 1302-L**, making aircraft operating areas subject to property taxation on the basis of current use. (Weyler, Rock 18, et al, to Municipal and County Government)
14, com changed 162, study 465
- HB 1303**, permitting the recording of communications with one party's consent and establishing a study committee to study the admissibility of lawfully acquired communications. (R. Campbell, Belk 4, to Judiciary)
14, K 472
- HB 1304**, allowing animal shelter facilities to use foster homes. (P. Katsakiores, Rock 13, to Environment and Agriculture)
new title: relative to licensure of humane societies without animal shelters.
15, rules suspended 383, am 386-387, psd 402, S nonconc 718
- HB 1305**, prohibiting the use of state moneys, or voucher or similar payment programs, to pay for nonpublic school education. (A. Pelletier, Straf 12, to Education)
15, K 525
- HB 1306**, prohibiting term limitations for state senators and state representatives. (A. Pelletier, Straf 12, et al, Constitutional and Statutory Revision)
15, K 249
- HB 1307**, prohibiting a person from holding an elected or appointed municipal and county office at the same time. (A. Pelletier, Straf 12, to Municipal and County Government)
15, K 307
- HB 1308-FN-A**, establishing a committee to review all aspects of New Hampshire's participation and the operation of the New Hampshire building at the Eastern States Exposition and making an appropriation therefor. (Malcolm, Rock 22, et al, to Environment and Agriculture)
15, study 281
- HB 1309**, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops. (Malcolm, Rock 22, et al, to Commerce, Small Business and Consumer Affairs)
new title: prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops or locations.
15, am 512, psd 589, nonconc S am, conf 882, 942, rep adop 984, enr 1008 (Chapter 320)
- HB 1310-L**, permitting municipalities to take land by eminent domain for conservation purposes. (K. Pratt, Rock 22, et al, to Municipal and County Government)
15, K 307
- HB 1311-FN**, prohibiting term limitations for members of the United States Congress from New Hampshire. (A. Pelletier, Straf 12, et al, to State-Federal Relations)
15, K 457
- HB 1312**, prohibiting wholesalers from delivering beer in kegs to the general public. (Lynch, Ches 19, et al, to Regulated Revenues)
15, K 542-543
- HB 1313-FN**, requiring the department of safety to issue an automotive recycling dealer with 3 sets of number plates or as many as such person may require. (G. Katsakiores, Rock 13, et al, to Transportation)
new title: requiring the department of safety to issue an automotive recycling dealer with as many sets of number plates or as many as such person may require.
2nd new title: requiring the department of safety to issue an automotive recycling dealer as many sets of number plates as such person may require.
15, am 315-316, psd 361, S conc 800, enr am 952, enr 1008 (Chapter 350)
- HB 1314-FN-A-L**, to abolish the collection of tolls along state highways and to increase the gasoline tax. (Rothhaus, Hills 18, to Public Works)
15, K 254
- HB 1315**, relative to annulments of criminal records of persons who have served a term of imprisonment. (Stamatakis, Sull 5, to Corrections and Criminal Justice)
15, K 438
- HB 1316**, prohibiting discrimination based on genetic characteristics. (Below, Graf 13, et al, Judiciary)
15, K 472

- HB 1317**, relative to bad checks. (Rubin, Rock 25, et al, Corrections and Criminal Justice) 15, K 563
- HB 1318**, relative to reporting requirements for elected officials. (D. Sytek, Rock 26, et al, to Constitutional and Statutory Revision) 15, psd 435, 487, S conc 816, enr 949 (Chapter 225)
- HB 1319-FN-A-L**, requiring the state to fully fund the Augenblick formula by FY 1996. (Burling, Sull 1, et al, to Appropriations) 15, psd (RC) 593-596, 617, recon rej 618, S conc 800, enr 879, veto sustained (RC) 1024-1028
- HB 1320**, regulating commerce pertaining to consumer transactions involving credit reporting agencies. (B. Packard, Hills 19, et al, to Commerce, Small Business and Consumer Affairs) 15, am 596-601, psd 618, conc S am 882, enr 953 (Chapter 271)
- HB 1321-FN**, establishing a dining room bar liquor license and license fee. (Below, Graf 13, to Regulated Revenues)
new title: relative to liquor licenses for full service restaurants. 15, am 255-257, psd 294, nonconc S am, conf 818, 881, rep adop 984, enr 1008 (Chapter 321)
- HB 1322**, requiring the department of fish and game, after a hunting injury or death, to immediately suspend a hunter's license pending an investigation. (L. Foster, Hills 10, to Wildlife and Marine Resources) 15, K 223
- HB 1323-FN**, requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates. (M. Hawkinson, Coos 7, et al, to Labor, Industrial and Rehabilitative Services) 15, am 306, psd 361, S conc 717, enr am 944, enr 953 (Chapter 272)
- HB 1324-FN**, relative to training for parents so they can provide kindergarten education to their children. (Hemon, Straf 11, to Education) 15, rem 245, K 292
- HB 1325-FN**, requiring the publication of an AIDS/HIV handbook. (St. Martin, Rock 6, et al, to Health, Human Services and Elderly Affairs) 15, am & Approp 281-282, psd 505, 589, S conc 816, enr 927, debate limited & veto sustained (RC) 1028-1032
- HB 1326**, limiting the export of timber harvested on state-owned forest lands. (Gilmore, Straf 11, to Resources, Recreation and Development) 15-16, K 450-451
- HB 1327-FN**, transferring all jurisdiction of aquaculture, including licenses and fees, from the department of fish and game to the department of agriculture. (Schotanus, Sull 3, et al, to, Environment and Agriculture)
new title: establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game. 16, am 526-527, psd 590, nonconc S am, conf 882, 942, rep adop 984, enr 1008, appointments 1053 (Chapter 322)
- HB 1328-FN-L**, to officially change the name of the town of Northumberland to Groveton. (Hemon, Straf 11, to Municipal and County Government) 16, K 222
- HB 1329-L**, authorizing municipalities to extend workers' compensation to volunteers performing municipal functions. (Burling, Sull 1, et al, to Labor, Industrial and Rehabilitative Services)
new title: clarifying the definition of public employee for purposes of workers' compensation. 16, am 607-608, psd 618, nonconc S am, conf 938, 942, rep adop 984, enr 1008 (Chapter 351)
- HB 1330**, prohibiting an employer from requiring union membership as a condition of employment. (Daniels, Hills 13, et al, to Labor, Industrial and Rehabilitative Services) 16, K (RC) 608-611

- HB 1331**, authorizing cities and towns to adopt reporting requirements for candidates for municipal offices. (K. Pratt, Rock 22, et al, to Municipal and County Government)
16, K 445
- HB 1332-FN**, relative to certain private entities operating emissions inspection stations. (G. Katsakiores, Rock 13, et al, to Environment and Agriculture)
16, K 232-233
- HB 1333**, requiring any municipality borrowing from the state water pollution control revolving loan fund program to provide the department of environmental services with evidence of its ability to repay the loan. (G. Katsakiores, Rock 13, et al, to Appropriations)
16, K 186-187
- HB 1334**, regulating the licensure and practice of title insurance agents, including fees. (Crory, Graf 10, to Commerce, Small Business and Consumer Affairs)
16, rules suspended & study 383
- HB 1335-FN**, making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees. (Record, Hills 27, et al, to Corrections and Criminal Justice)
16, am 199, psd 209, S conc 675, enr am 944, enr 953 (Chapter 273)
- HB 1336**, restricting services which holders of licenses under RSA 178 may perform for privately owned retail establishments. (Salatiello, Belk 2, et al, to Regulated Revenues)
new title: relative to services which certain liquor licensees may perform with regard to beverage stocking and displays.
16, rules suspended 383, am 389-390, psd 402, S conc 675, enr 675 (Chapter 6)
- HB 1337**, relative to designating a managing broker in a real estate branch office in the event of a vacancy. (E. Smith, Ches 6, to Commerce, Small Business and Consumer Affairs)
16, psd 512, 589, S conc 717, enr 798 (Chapter 40)
- HB 1338-FN**, relative to hearing aid dealers and increasing the fees for persons seeking registration as hearing aid dealers. (Copenhaver, Graf 10, et al, to Executive Departments and Administration)
16, study 304
- HB 1339**, relative to bank boards of directors or trustees. (Mercer, Hills 27, et al, to Commerce, Small Business and Consumer Affairs)
16, psd 512, 589, S conc 800, enr 879 (Chapter 145)
- HB 1340-FN**, requiring the general court to hold sessions in the evening. (K. Rogers, Merr 22, et al, to Legislative Administration)
16, study 443
- HB 1341**, requiring delivery of non-subscription publications to cease 14 days after written notification by the recipient. (K. Pratt, Rock 22, et al, to Commerce, Small Business and Consumer Affairs)
16, am 561, psd 591, S nonconc 817
- HB 1342**, prohibiting cable companies from requiring consumers to obtain converter boxes to receive cable television service. (Salatiello, Belk 2, et al, to Science, Technology and Energy)
new title: prohibiting cable companies from requiring consumers to obtain converter boxes to receive cable television service and allowing franchising authorities to impose certain conditions on the use of scrambling devices.
16, am & LT 611-612, LP 990
- HB 1343**, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. (Carter, Merr 7, et al, to Education)
new title: establishing a study committee to examine the development of interactive communication systems among the public schools in the state and establishing a committee to study the problem of suicide among young people.
16, am 439, psd 488, nonconc S am, conf 938, 942, rep adop 984, enr 1008, appointments 1053-1054 (Chapter 352)
- HB 1344**, requiring financial institutions which sell notes to disclose the sale price of the note to the debtor and any obligor on the note, upon request. (Braiterman, Merr 3, et al, to Commerce, Small Business and Consumer Affairs)
16, K 249

- HB 1345**, relative to payments to the state treasurer. (B. Packard, Hills 19, to Executive Departments and Administration)
16, am 218-219, psd 243, S conc 717, enr 802 (Chapter 74)
- HB 1346-FN**, authorizing the department of environmental services to impose administrative fines under air pollution control, asbestos management and control, the acid rain control act and the air toxic control act, and to subject to rulemaking the designation of toxic air pollutants under the air toxic control act. (J. Bradley, Carr 8, et al, to Environment and Agriculture)
16-17, study 250
- HB 1347**, requiring a financial institution to allow an applicant for a mortgage loan to select a hazardous waste site assessment firm from a list of firms supplied by the institution. (F. Torr, Straf 12, to Commerce, Small Business and Consumer Affairs)
17, K (RC) 637-640
- HB 1348-A**, authorizing the expansion of the Spaulding turnpike over Little Bay from bonds previously authorized. (F. Torr, Straf 12, to Public Works)
17, study 313
- HB 1349**, relative to representation of business organizations in small claims court. (DePecol, Ches 14, to Judiciary)
17, am 472-473, psd 489, S conc 816, enr 946 (Chapter 195)
- HB 1350**, expanding the definition of "party" for purposes of the election laws. (J. Chandler, Merr 1, to Constitutional and Statutory Revision)
17, K 458
- HB 1351-L**, allowing municipalities to defer interest on property tax payments assessed after a property reappraisal. (Splaine, Rock 36, to Municipal and County Government)
17, K 307
- HB 1352**, relative to the choice of "none of the above" on the ballot. (J. Chandler, Merr 1, to Constitutional and Statutory Revision)
17, K 459
- HB 1353**, establishing a committee to study the structure of administrative and service delivery areas for certain social services. (Allen, Hills 1, to Executive Departments and Administration)
17, K 661
- HB 1354**, providing that one member of the state board of education shall be a currently certified and employed New Hampshire public school teacher. (A. Pelletier, Straf 12, et al, to Education)
17, K (2 RCs) 267-272
- HB 1355**, prohibiting sale of blue lights to persons who are not law enforcement officers and prohibiting police officers driving unmarked cars from apprehending motorists. (Dykstra, Hills 42, to Public Protection and Veterans Affairs)
17, study 476-477
- HB 1356-FN**, relative to the duties of the members and the director of the state veterans council. (Lessard, Hills 23, to Public Protection and Veterans Affairs)
17, am 448-449, psd 488, S conc 717, enr 798 (Chapter 41)
- HB 1357**, requiring that any company engaged in the business of leasing motor vehicles provide full disclosure of all aspects of a lease agreement to a potential purchaser. (Keans, Straf 16, to Commerce, Small Business and Consumer Affairs)
17, study 512-513
- HB 1358-FN**, relative to a state contribution for meeting Clean Air Act provisions. (Kirby, Hills 24, et al, to Appropriations)
17, study 263
- HB 1359**, increasing the penalties for certain DWI offenses and repealing the multiple DWI intervention program. (T. Arnold, Hills 20, et al, to Corrections and Criminal Justice)
17, K 438
- HB 1360-FN**, requiring that Purple Heart plates display the purple heart in its actual color and charging a fee to any person exchanging a plate not in its actual color. (Vaughn, Rock 35, et al, to Transportation)
17, K 316

- HB 1361**, requiring automobile dealers in New Hampshire to periodically provide the original purchaser with a summary of all service bulletins. (D. Holt, Hills 35, to Transportation) 17, K 223
- HB 1362**, establishing a committee to study the feasibility of allowing electric-powered craft on lakes and ponds in the state except for those closed because they are used as public water supplies. (L'Heureux, Hills 18, et al, to Resources, Recreation and Development) 17, study 258
- HB 1363**, requiring that, if the posted or advertised sale price of a product is not charged to the customer, the customer receives the product free. (Burke, Hills 15, et al, to Commerce, Small Business and Consumer Affairs) 17, K 434
- HB 1364**, changing the renewal date for a license to carry a pistol or revolver. (Daniels, Hills 13, to Public Protection and Veterans Affairs) 17, psd 222, 243, S conc 717, enr 814 (Chapter 115)
- HB 1365**, clarifying legislative intent relative to municipal ordinances. (Martin, Hills 34, to Municipal and County Government) 17, am 577, psd 591, S nonconc 817
- HB 1366**, prohibiting the use of unmarked police vehicles at night. (B. Packard, Hills 19, to Public Protection and Veterans Affairs) 17, K 477
- HB 1367**, creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation. (A. Merrill, Straf 8, et al, to Transportation) 17, am 545, psd 591, S conc 717, enr 802, appointments 1054 (Chapter 75)
- HB 1368**, establishing a commission to examine governmental reorganization. (K. Rogers, Merr 22, et al, to Executive Departments and Administration) 17-18, am 530-531, psd 590, conc S am 882, enr 949, appointments 1054 (Chapter 245)
- HB 1369**, recognizing the legal validity of faxed documents. (D. Sytek, Rock 26, et al, to Judiciary)
new title: requesting the judicial council to study issues regarding faxed documents. 18, am 441, psd 488, S conc 717, enr 802 (Chapter 59)
- HB 1370**, repealing the prohibition against including CWIP charges in a public utility's rate base. (Cogswell, Carr 5, et al, to Science, Technology and Energy)
new title: allowing certain inclusions in a public utility's rate base. 18, rem 431, am 486-487, psd 489, S study 817
- HB 1371**, relative to claiming the homestead right in a levy by sale of an execution on real estate. (Lozeau, Hills 30, to Commerce, Small Business and Consumer Affairs) 18, am 249, psd 293, S conc 675, enr 696 (Chapter 12)
- HB 1372**, establishing the granite state cultural legacy award. (M. Fuller Clark, Rock 31, to Executive Departments and Administration) 18, rcmt 202, am 573-574, psd 591, conc S am 938, enr 953, appointments 1062-1063 (Chapter 274)
- HB 1373**, prohibiting the use of hearsay evidence in child abuse and neglect cases. (Cogswell, Carr 5, to Children, Youth and Juvenile Justice) 18, K 248
- HB 1374**, requiring the department of transportation to study United States Route 4 between New Hampshire route 108 and Scammel Bridge. (Wall, Straf 9, to Public Works) 18, rules suspended 383, SO 388, K 411-412
- HB 1375**, allowing voters to override a request for a secret ballot or a request to retake a vote at town and school district meetings. (Cepaitis, Hills 33, et al, to Constitutional and Statutory Revision) 18, K 250
- HB 1376**, making the act of taking a motor vehicle with the intent to deprive the owner for 24 hours or more a class B felony. (Stritch, Rock 5, to Corrections and Criminal Justice) 18, K 438

- HB 1377**, requiring an optometrist or ophthalmologist to release prescriptions for replacement eyeglasses and contacts to patients upon request. (Braiterman, Merr 3, to Commerce, Small Business and Consumer Affairs)
new title: requiring an optometrist or ophthalmologist to release prescriptions for replacement contact lenses, and setting certain fees for certain out-of-state business registration and renewal.
18, am 640-641, psd 665, S conc 800, enr 927 (Chapter 146)
- HB 1378**, allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards. (K. Wheeler, Straf 8, et al, to Transportation)
18, am 545-546, psd 591, nonconc S am 938
- HB 1379**, establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report. (J. Chandler, Merr 1, et al, to Executive Departments and Administration)
18, psd 531, 590, conc S am 883, enr 953, appointments 1054-1055 (Chapter 275)
- HB 1380-L**, prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations. (Rosen, Belk 7, et al, to Science, Technology and Energy)
18, psd 314, 361, S conc 675, enr 696 (Chapter 21)
- HB 1381**, allowing proposed ordinances to be placed on the official ballot used for the election of town officers. (French, Merr 3, et al, to Municipal and County Government)
18, K 446
- HB 1382**, declaring a moratorium on toll hikes until a task force has studied the toll collection system and its recommendations have been implemented. (L'Heureux, Hills 18, et al, to Public Works)
new title: creating a special committee to study the turnpike toll collection system and make recommendations.
2nd new title: creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund.
18, am & Approp 344-345, SO 551, am 619-620, psd 665, S conc 929, enr am 1002, enr 1008, appointments 1055 (Chapter 374)
- HB 1383-L**, relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction. (Trelfa, Graf 2, et al, to Municipal and County Government)
18, psd 188, 209, S conc 816, enr 927 (Chapter 147)
- HB 1384-FN**, regulating art therapists and authorizing licensing fees. (McIlwaine, Graf 3, et al, to Commerce, Small Business and Consumer Affairs)
18, com changed 30, rules suspended 383, study 388
- HB 1385-L**, changing the property tax rate for single family homeowners. (Hemon, Straf 11, to Municipal and County Government)
18, rem 214, K 239
- HB 1386-FN**, relative to appointment and payment for guardians ad litem and instituting a process for handling complaints regarding the guardian ad litem system. (Hemon, Straf 11, to Judiciary)
18, rules suspended 294, rem 299, debate limited & K 359
- HB 1387**, relative to the acceptance of risks in recreational activities for the purpose of determining comparative fault in civil actions. (Merritt, Straf 8, et al, to Judiciary)
18, rules suspended 294, study 441
- HB 1388-L**, requiring that warrant articles on planning and zoning issues use common landmarks and street names for setting boundaries and relative to the town report. (Fenton, Hills 24, et al, to Municipal and County Government)
18, K 446
- HB 1389**, establishing a study committee to examine lowering physicians' malpractice insurance rates and capping damages awarded in malpractice actions. (C. Cote, Rock 11, et al, to Judiciary)
18-19, rules suspended 294, K 441

- HB 1390**, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D. (Stamatakis, Sull 5, et al, to Environment and Agriculture)
19, am 439-440, psd 488, nonconc S am, conf 939, 942, rep adop 984, enr 1008, appointments 1055 (Chapter 323)
- HB 1391**, relative to consumer protection and going out of business sales. (M. Holt, Hills 26, to Commerce, Small Business and Consumer Affairs)
19, am 513-514, psd 589, S conc 880, enr 949 (Chapter 226)
- HB 1392**, making a second or subsequent obscenity violation a class B felony. (Syracusa, Rock 33, et al, to Corrections and Criminal Justice)
new title: making a second or subsequent obscenity violation a class B felony and modifying a definition of sexual conduct.
19, am 263-264, psd 294, S conc 717, enr 802 (Chapter 60)
- HB 1393**, relative to consumer choice in home television programming. (Martin, Hills 34, to Science, Technology and Energy)
19, K 478
- HB 1394**, deletes the requirement that habitual offenders be incarcerated and allowing incarceration at the discretion of the court. (Laughlin, Hills 41, et al, to Corrections and Criminal Justice)
new title: reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle.
19, am 522, psd 590, S conc 717, enr 819, debate limited & veto sustained (RC) 1032-1035
- HB 1395**, reserving a certain number of moose hunting lottery permits for resident senior citizens. (Laflam, Belk 2, to Wildlife and Marine Resources)
19, K 223
- HB 1396**, limiting the use of information compiled by consumer reporting agencies. (Kurk, Hills 5, et al, to Commerce, Small Business and Consumer Affairs)
19, am 641-642, psd 665, S nonconc 817
- HB 1397**, relative to a limitation on telephone company release of telephone call records. (Kurk, Hills 5, et al, to Science, Technology and Energy)
19, am 478-479, psd 489, S nonconc 801
- HB 1398**, establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline. (Gilmore, Straf 11, et al, to Commerce, Small Business and Consumer Affairs)
19, am 514, psd 590, conc S am 883, enr 946, appointments 1055 (Chapter 196)
- HB 1399**, relative to the road toll on users of special fuel. (Bartlett, Belk 6, to Transportation)
19, psd 190, 209, S conc 675, enr 696 (Chapter 22)
- HB 1400**, relative to providing pain relieving medication to individuals who are terminally ill. (Gordon, Graf 8, et al, to Judiciary)
19, rem 431, psd 486, 489, S study 801
- HB 1401**, providing an exemption to homeowners relative to the installation of plumbing. (Gordon, Graf 8, to Executive Departments and Administration)
19, study 531
- HB 1402**, establishing a committee to study the feasibility of creating a Strafford county fire department. (Hilliard, Straf 14, et al, to Public Protection and Veterans Affairs)
19, K 661
- HB 1403**, requiring the department of fish and game to suspend a fish and game license agent's contract for at least one year upon violation of the terms of the agreement. (L. Foster, Hills 10, to Wildlife and Marine Resources)
new title: requiring the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year upon failing to require necessary proof for the issuance of a license and making such person guilty of a class B misdemeanor.
19, am 547-548, psd 591, S conc 880, enr 949 (Chapter 227)
- HB 1404-FN**, requiring a fiscal note for bills which change a civil or criminal penalty. (Hambrick, Straf 7, et al, to Legislative Administration)
19, K 290

- HB 1405**, relative to voting and party membership. (Gilmore, Straf 11, et al, to Constitutional and Statutory Revision)
new title: relative to voting and party membership, special write in ballots for overseas and armed service voters, change of party affiliation, nomination by write-in votes, and the checklist used at village district elections.
 19, am 459, psd 489, conc S am 883, enr 949 (Chapter 218)
- HB 1406**, to permit the placement of candidates' names only once on the ballot. (Gilmore, Straf 11, to Constitutional and Statutory Revision)
 19, K 459
- HB 1407**, changing the title of Washington's Birthday to Lincoln and Washington Day. (Gilmore, Straf 11, et al, to Executive Departments and Administration)
 19, K (RC) 574-577
- HB 1408-FN**, requiring state agencies to pay the New Hampshire Bar Association dues and fees of attorneys which they employ. (Lozeau, Hills 30, to Executive Departments and Administration)
 19, K 373-374
- HB 1409**, relative to voluntary construction standards when applying for a certificate of compliance for energy efficiency to a town, city, building inspector, or the public utilities commission. (Cogswell, Carr 5, to Public Works)
new title: authorizing the public utilities commission to adopt rules relative to voluntary construction standards for compliance with increased energy efficiency standards.
 19, com changed 128, am 454, psd 488, S nonconc 817
- HB 1410**, relative to zoning board of adjustment rehearings. (K. Rogers, Merr 22, et al, to Municipal and County Government)
 19-20, am 446, psd 488, S conc 717, enr 814 (Chapter 116)
- HB 1411-L**, enabling municipalities to establish geographic information systems and charge fees for their use. (K. Rogers, Merr 22, et al, to Municipal and County Government)
new title: enabling municipalities and counties to establish geographic information systems and charge fees for their use.
 20, psd 307-361, conc S am 718, enr 802 (Chapter 76)
- HB 1412**, prohibiting any person who is receiving retirement system benefits from serving as a member of the New Hampshire retirement system board of trustees. (J. Ward, Merr 12, to Executive Departments and Administration)
new title: prohibiting any person who is receiving, or whose spouse is receiving, retirement system benefits from serving as a member of the New Hampshire retirement system board of trustees.
 20, am 606-607, psd 618, S nonconc 718
- HB 1413**, relative to the findings of the public water rights study committee. (Leonard Smith, Hills 25, et al, to Resources, Recreation and Development)
new title: relative to the report of the public water rights study committee.
 20, am 259, psd 294, S conc 717, enr 802 (Chapter 77)
- HB 1414**, prohibiting discrimination by public utilities. (Below, Graf 13, to Science, Technology and Energy)
 20, K 314
- HB 1415-L**, relative to approval of the goals and future conditions section of the master plan by the local legislative body. (M. Fuller Clark, Rock 31, et al, to Municipal and County Government)
 20, am 308, psd 361, nonconc S am, conf 818, 943, S K 987
- HB 1416**, relative to liens on manufactured housing. (B. Gage, Rock 26, to Commerce, Small Business and Consumer Affairs)
 20, am 514-516, psd 590, S conc 816, enr 927 (Chapter 149)
- HB 1417-FN**, requiring the state to pay a portion of the cost of health insurance for legislators and allowing spouses of legislators to obtain such insurance at their own expense. (R. Hawkins, Belk 3, to Legislative Administration)
 20, K 290

- HB 1418-FN-A**, relative to the business enterprise tax and reinstituting the bank franchise tax. (Newman, Rock 4, et al, to Ways and Means)
20, K 378
- HB 1419-FN-L**, relative to calculation of fees for motor vehicle registration permits. (Klemarczyk, Rock 20, et al, to Transportation)
20, psd 546, 591, S conc 717, enr 798 (Chapter 42)
- HB 1420**, relative to the sale of defective vehicles. (B. Packard, Hills 19, to Commerce, Small Business and Consumer Affairs)
new title: relative to the sale of defective vehicles and vehicle leases which are not sales or security interests.
20, psd 516, 590, nonconc S am, conf 883, 943, rep adop 984, enr am 1002, enr 1008 (Chapter 395)
- HB 1421-FN-L**, requiring owners to enroll land in current use for a 10-year period and changing the rate of the land use change tax. (Shaw, Merr 12, et al, to Environment and Agriculture)
20, K (RC) 465-468
- HB 1422-FN-L**, relative to the dog control laws and the portion of the dog license fee retained by municipalities. (K. Wheeler, Straf 8, et al, to Municipal and County Government)
new title: relative to the dog control laws and the portion of the dog license fee retained by town and city clerks.
20, psd 308, 361, conc S am 939, enr 1008 (Chapter 353)
- HB 1423**, relative to genetic testing. (Kurk, Hills 5, et al, to Judiciary)
20, study 473
- HB 1424-FN-A**, relative to the exemption for hospitals under the meals and rooms tax. (Buckley, Hills 44, et al, to Ways and Means)
20, rules suspended 383, K (RC) 399-401
- HB 1425**, requiring a certain minimum water flow before property may be sold. (Fenton, Hills 24, et al, to Commerce, Small Business and Consumer Affairs)
20, K 516
- HB 1426**, relative to the placement of candidates' names on the ballot. (Gilmore, Straf 11, to Constitutional and Statutory Revision)
20, psd 459-460, 489, conc S am 883, enr am 952, enr 1008 (Chapter 324)
- HB 1427**, establishing a committee to study amateur athletics. (Kennedy, Merr 7, et al, to Executive Departments and Administration)
20, study 531
- HB 1428**, requiring legislative approval for the naming of certain formations. (Drake, Rock 24, et al, to Executive Departments and Administration)
new title: requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park.
20, am 531-532, psd 590, nonconc S am, conf 883, S rej conf 931
- HB 1429-L**, exempting municipal recreation programs from day care licensing requirements. (A. Wiggin, Carr 9, et al, to Children, Youth and Juvenile Justice)
new title: exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.
2nd new title: temporarily exempting certain programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.
3rd new title: exempting municipal recreation programs from child day care licensing regulations.
20, am 509-510, psd 589, nonconc S am, conf 939, 943, rep adop 984, enr am 1003, enr 1008 (Chapter 375)
- HB 1430**, repealing the annual commemorative rifle or shotgun lottery. (Drake, Rock 24, to Public Protection and Veterans Affairs)
20, psd 189, 209, S conc 675, enr 696 (Chapter 36)

- HB 1431-FN**, providing for the election of members to the county convention as a separate county office. (B. Hall, Hills 20, et al, to Municipal and County Government)
20, study 577-578
- HB 1432**, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. (W. McCann, Straf 11, et al, to Judiciary)
21, am (RC) & recon rej 341-344, psd 367, S nonconc 801
- HB 1433**, establishing a committee to review and make recommendations regarding health education in public schools. (St. Martin, Rock 6, et al, to Education)
21, rules suspended 294, am 648-649, psd 666, conc S am 883, enr 953, appointments 1065 (Chapter 276)
- HB 1434-FN**, establishing a special season and setting license fees for handgun hunting. (Kennedy, Merr 7, et al, to Wildlife and Marine Resources)
21, K 318
- HB 1435**, relative to the penalty for a second or subsequent offense for carrying a pistol or revolver without a license. (D. Welch, Rock 18, et al, to Corrections and Criminal Justice)
21, com changed 30, psd 449, 488, S nonconc 801
- HB 1436**, exempting vessels in the federal channel from reduced speed requirements and eliminating the requirement that children 5 years of age or under wear personal flotation devices when they are in an enclosed cabin area of a boat. (Syracusa, Rock 33, et al, to Transportation)
new title: exempting vessels in the federal channel from reduced speed requirements.
21, am 546-547, psd 591, S conc 800, enr 802 (Chapter 78)
- HB 1437**, requiring members of certain professions to provide written notice to their clients or customers if such professionals do not carry malpractice insurance. (Burling, Sull 1, to Commerce, Small Business and Consumer Affairs)
21, rem 504, study 586
- HB 1438**, adopting the striped bass as the state saltwater game fish. (Drake, Rock 24, et al, Wildlife and Marine Resources)
21, rem 214, am 243, psd 244, S conc 717, enr 802 (Chapter 79)
- HB 1439**, establishing license and license fee requirements for the taking of sea urchins. (Drake, Rock 24, et al, to Wildlife and Marine Resources)
21, am & Ways and Means 318-319, psd 582, 591, S conc 800, enr 927 (Chapter 150)
- HB 1440-FN**, establishing a license and fee requirement for tidal waters netting. (Drake, Rock 24, et al, to Wildlife and Marine Resources)
new title: permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund.
21, am 548-549, psd 591, conc S am 818, enr 927 (Chapter 151)
- HB 1441**, establishing school teacher termination procedures. (Carter, Merr 7, et al, to Education)
21, K 525
- HB 1442-FN-A**, relative to a real estate transfer questionnaire and making an appropriation therefor. (Dowling, Rock 13, et al, to Municipal and County Government)
new title: relative to a real estate transfer questionnaire.
2nd new title: relative to a real estate transfer questionnaire and relative to the applicability of the real estate transfer tax.
21, am & Approp 253-254, am 505, psd 589, nonconc S am, conf 939, 943, rep adop 984, enr 1008 (Chapter 325)
- HB 1443-L**, relative to town meetings and public hearings in large towns. (D. Sytek, Rock 26, et al, to Municipal and County Government)
21, am 539-541, psd 590, conc S am 818, enr 946 (Chapter 197)
- HB 1444-FN**, authorizing the use of on-site recycling and greywater waste treatment systems as an alternative waste disposal system and authorizing inspection fees. (Owen, Merr 6, to Environment and Agriculture)
21, com changed 128, K 259
- HB 1445-FN-L**, relative to patients requiring long-term care. (D. Holt, Hills 35, to Health, Human Services and Elderly Affairs)
21, K 188

- HB 1446-FN**, requiring the state to accept the Union Leader building and authorizing the commissioner of administrative services to determine its best use. (Daniels, Hills 13, et al, to Public Works)
21, K 189
- HB 1447-FN**, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs. (Copenhaver, Graf 10, et al, to Health, Human Services and Elderly Affairs)
new title: making communications of advanced registered nurse practitioners privileged, extending certain duties to ARNPs and establishing a study committee.
2nd new title: making communications of advanced registered nurse practitioners privileged, extending certain duties to ARNPs, relative to temporary licensure for certain registered nurse graduates, and establishing a study committee.
21, com changed 30, psd 374, 402, nonconc S am, conf 818, 943, rep adop 984, enr am 1003, enr 1008, appointments 1055 (Chapter 376)
- HB 1448-FN**, requiring that certain documents and publications be included in the state depository law. (Aranda, Rock 13, et al, to Executive Departments and Administration)
21, rules suspended 383, SO 388, am 406-407, psd 416, S study 817
- HB 1449**, relative to professional standards review organizations for physical therapists. (DePecol, Ches 14, to Judiciary)
21, am 305, psd 361, S conc 675, enr 696 (Chapter 13)
- HB 1450-L**, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills. (K. Rogers, Merr 22, et al, to Municipal and County Government)
new title: permitting municipalities to expand the information contained on property tax bills and to include other bills and tax abatement information mailings with property tax bills
21, psd 188, 209, nonconc S am, conf 818, 943, 949, rep adop 984, enr am 1003, enr 1008 (Chapter 377)
- HB 1451-L**, authorizing towns and school districts to vote to allow proxy voting at school district meetings and at town meetings. (V. Clark, Rock 15, to Constitutional and Statutory Revision)
22, K 435
- HB 1452**, relative to confidentiality of medical records. (Kurk, Hills 5, et al, to Health, Human Services and Elderly Affairs)
22, K 219
- HB 1453**, allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments. (B. Hall, Hills 20, et al, to Commerce, Small Business and Consumer Affairs)
22, psd 601-602, 618, S conc 800, enr 802 (Chapter 96)
- HB 1454**, relative to the authority of the county commissioners over certain elected county officials. (D. Sytek, Rock 26, et al, to Municipal and County Government)
new title: relative to competitive bidding, and budget, personnel and purchasing procedures in Rockingham county.
22, am 578-579, psd 591 (K)
- HB 1455**, making technical amendments to the business corporations laws and clarifying the limitation of liability of officers. (Mercer, Hills 27, et al, to Judiciary)
22, am 305, psd 361, conc S am 802, enr 814 (Chapter 117)
- HB 1456**, relative to mental health care service providers. (K. Wheeler, Straf 8, et al, to Commerce, Small Business and Consumer Affairs)
22, psd (RC) 642-645, 666, nonconc S am, conf 939, 943, rep adop 984, enr am 1003-1004, enr 1008, debate limited 1028, veto sustained (RC) 1035-1038
- HB 1457-L**, requiring vacancies in the office of state representative to be filled by a vote of the county convention for the remainder of the representative's term. (Klemarczyk, Rock 20, to Constitutional and Statutory Revision)
22, K 250
- HB 1458-FN-L**, to provide incentive through school building aid for establishing and maintaining public kindergarten programs. (Franks, Hills 26, et al, to Education)

new title: to provide incentive through school building aid for establishing and maintaining public kindergarten programs, and establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission.

22, am & Approp (RC) 272-275, psd 596, 617, conc S am 939, enr 953, appointments 1056 (Chapter 277)

HB 1459-FN, relative to private investigation agencies and security services. (W. Johnson, Merr 7, to Public Protection and Veterans Affairs)
22, K 222

HB 1460-FN, naming a portion of New Hampshire route 28 in Wolfeboro the Gary Parker Memorial Highway and naming a portion of New Hampshire route 25 in Rumney the Joseph Gearity Memorial Highway. (J. Bradley, Carr 8, et al, to Public Works)
22, K 189

HB 1461, establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire. (Wall, Straf 9, et al, to Commerce, Small Business and Consumer Affairs)
22, rules suspended 294, psd 516, 590, nonconc S am 939

HB 1462-L, requiring local planning boards to submit approved subdivision plans to the division of water supply and pollution control for notification purposes. (Kirby, Hills 24, et al, to Resources, Recreation and Development)

new title: relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems.

22, am 451-452, psd 488, S conc 929, enr 946 (Chapter 198)

HB 1463, modifying the definition of angling. (L'Heureux, Hills 18, et al, to Wildlife and Marine Resources)
22, am 262, psd 294, S conc 717, enr 798 (Chapter 43)

HB 1464, establishing a special moose hunting permit for certain landowners. (Foss, Coos 1, et al, to Wildlife and Marine Resources)
22, K 292

HB 1465, relative to the statute of limitations for filing a civil action alleging child abuse and establishing a study committee on actions for civil damages arising out of sexual and physical assault on children. (Burling, Sull 1, et al, to Children, Youth and Juvenile Justice)
22, study 510

HB 1466, including advanced registered nurse practitioners in insurance policies for certain conditions. (Copenhaver, Graf 10, et al, to Commerce, Small Business and Consumer Affairs)
22, psd 645, 666, S conc 800, enr am 1004-1006, enr 1008 (Chapter 396)

HB 1467, requiring any pre-owned automobile purchased from a dealer to be capable of passing the state inspection process, except as provided in RSA 358-F. (A. Pelletier, Straf 12, to Commerce, Small Business and Consumer Affairs)
22, study 516

HB 1468, allowing builders to use native timber instead of stamped lumber when the timber is certified by a New Hampshire wood processing mill. (Cogswell, Carr 5, et al, to Commerce, Small Business and Consumer Affairs)

new title: allowing builders to use native lumber when lumber is certified or stamped by a New Hampshire wood processing mill.

22, am 516-517, psd 590, S conc 800, enr 879 (Chapter 152)

HB 1469-L, relative to the definition of "impact fee" for the purpose of innovative land use controls. (Senter, Rock 16, et al, to Environment and Agriculture)

23, com changed 162, am 541, psd 591, conc S am 939, enr 953 (Chapter 278)

HB 1470, relative to the eviction process. (M. Holt, Hills 26, et al, to Judiciary)
23, K 473

HB 1471-FN-L, relative to reinstating local control over hazardous or endangering practices of pesticide use. (Martin, Hills 34, et al, to Environment and Agriculture)
23, K 603

- HB 1472-FN**, making an appropriation to the fund for domestic violence programs. (McIlwaine, Graf 3, et al, to Appropriations)
23, psd 457, 489, S conc 929, enr 953 (Chapter 279)
- HB 1473**, relative to tenants with unacceptable lead blood levels. (D. Holt, Hills 35, et al, to Health, Human Services and Elderly Affairs)
23, K 219
- HB 1474-L**, allowing towns to maintain class VI highways. (Royce, Ches 9, et al, to Municipal and County Government)
new title: allowing towns to maintain emergency lanes on class VI highways and private ways.
23, am 308-309, psd 361, S conc 717, enr 802 (Chapter 80)
- HB 1475-FN**, requiring a person purchasing a hunting, fishing or combination license to purchase a wildlife management habitat stamp for an additional fee. (Drake, Rock 24, et al, to Wildlife and Marine Resources)
23 study 319
- HB 1476-L**, relative to municipal liability and the tax sale process. (K. Rogers, Merr 22, et al, to Municipal and County Government)
new title: relative to certain definitions under the environmental laws, municipal liability and the tax sale and lien process, and the liability of owners of hazardous waste facilities.
23, am 446-448, psd 488, S conc 800, enr 946 (Chapter 199)
- HB 1477**, changing the judicial district for Thompson and Meserve's Purchase. (M. Hawkinson, Coos 7, et al, to Judiciary)
23, psd 442, 488, S conc 717, enr 798 (Chapter 44)
- HB 1478-FN-A**, prohibiting the business enterprise tax from being levied retroactively. (Buckley, Hills 44, et al, to Ways and Means)
23, K (RC) 378-380
- HB 1479-L**, requiring smoke detectors in buildings upon the sale or transfer of the buildings. (Knowles, Straf 11, et al, to Public Protection and Veterans Affairs)
23, study 477
- HB 1480**, requiring physicians to attend pain treatment seminars as a condition for license renewal. (Hart, Hills 37, to Health, Human Services and Elderly Affairs)
23, K 219
- HB 1481-L**, relative to property tax exemptions and municipal core service charges or fees. (N. Young, Belk 7, et al, to Municipal and County Government)
23, study 661
- HB 1482-FN-L**, relative to increases and conversions of inpatient beds under the certificate of need law. (Kurk, Hills 5, et al, to Health, Human Services and Elderly Affairs)
23, K 282
- HB 1483**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Copenhaver, Graf 10, et al, to Health, Human Services and Elderly Affairs)
23, am (RC) 282-285, psd 294, S nonconc 817
- HB 1484-L**, relative to the tax exempt status of certain properties. (Weyler, Rock 18, et al, to Municipal and County Government)
new title: relative to the tax-exempt status of certain properties and adding members to the study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax-exempt properties.
2nd new title: relative to the tax-exempt status of certain properties and changing the membership of a study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax-exempt properties.
23, am 579-580, psd 591, nonconc S am, conf 939, 943, rep adop 984, enr am 1006, enr 1008, appointments 1056 (Chapter 378)
- HB 1485-FN**, establishing a fuel testing program to determine the accuracy of octane rates, creating a licensing procedure for persons engaged in the transfer or sale of motor fuels, and establishing fees and penalties for violations. (J. Ward, Merr 12, et al, to Environment and Agriculture)
23, study 250

- HB 1486-FN**, relative to preserving private property rights. (Daniels, Hills 13, et al, to Judiciary)
23, K 473
- HB 1487-FN**, relieving county attorneys of responsibility for criminal prosecutions and requiring the governor to appoint state attorneys responsible to the attorney general for such purposes. (Harwell, Coos 7, to Corrections and Criminal Justice)
23, K 438
- HB 1488-A**, requiring the department of transportation to redesign the Spaulding turnpike between exits 11 and 16 from bonds previously authorized under RSA 273-A:2. (F. Torr, Straf 12, et al, to Public Works)
23, K 377
- HB 1489-FN**, requiring state courts to furnish copies of rules, laws, and cases cited in rulings and opinions to the parties involved; and requiring that supreme court rules be adopted in accordance with the public notice and hearing requirements of RSA 541-A. (Hemon, Straf 11, et al, to Judiciary)
23-24, rem 299, debate limited 359, K 359-360
- HB 1490-FN**, relative to rescheduling adjudicative proceedings and hearings held before state agencies. (Stamatakis, Sull 5, to Executive Departments and Administration)
24, study 532
- HB 1491-FN**, relative to signage and fees charged for installation, replacement and removal of signs. (Nichols, Merr 2, et al, to Public Works)
24, K 254
- HB 1492-FN**, establishing a procedure for the licensing of independent contractors and setting certain fees. (J. Ward, Merr 12, et al, to Labor, Industrial and Rehabilitative Services)
24, SO 344, debate limited & study 416
- HB 1493-FN-A**, exempting subchapter S corporations from the payment of the interest and dividends tax. (W. McCann, Straf 11, to Ways and Means)
new title: relative to tax refunds from the department of revenue administration.
24, am 582, psd 591, nonconc S am, conf 818-819, 881, rep adop 984, enr 1008 (Chapter 326)
- HB 1494-FN**, relative to the notification requirements for parties affected by certain major water projects. (Laflam, Belk 2, to Resources, Recreation and Development)
24, K 314
- HB 1495-FN**, relative to taxes paid on simulcast racing. (R. Hawkins, Belk 3, to Regulated Revenues)
new title: relative to the definition of "racing program" for the purposes of assessing taxes on simulcast races and establishing a committee to study the pari-mutual tax structure in New Hampshire.
24, am & Ways and Means 377-378, SO 617, psd 623, 665, conc S am 939, enr 949, appointments 1056 (Chapter 253)
- HB 1496-FN-L**, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities. (Salatiello, Belk 2, to Environment and Agriculture)
24, psd 527, 590, nonconc S am, conf 939-940, 943, rep adop 984 (K)
- HB 1497-FN**, requiring that testimony in public hearings and executive sessions of legislative committees be taped. (Copenhaver, Graf 10, to Legislative Administration)
24, K 290-291
- HB 1498-FN-L**, relative to the type of voting machines which may be used in municipalities. (Dykstra, Hills 42, et al, to Constitutional and Statutory Revision)
24, am 460, psd 489, S conc 800, enr 814 (Chapter 118)
- HB 1499-FN**, establishing a maximum class size of 20 students per teacher for all grade levels in the public schools. (A. Pelletier, Straf 12, to Education)
24, K 187
- HB 1500-FN**, defining retail level distributors and requiring the licensure of pharmacies operating outside of the state that sell to individuals within the state. (R. Foster, Carr 10, et al, to Commerce, Small Business and Consumer Affairs)

new title: defining retail level distributors and requiring the registration of pharmacies operating outside of the state that sell to individuals within the state.

2nd new title: defining "out-of-state pharmacy" and requiring the registration of such pharmacies that sell to individuals within the state.

24, am & rcmt 326-327, am 645-646, psd 666, S study 817

HB 1501-FN-A, requiring the department of transportation to repair the road from New Hampshire route 10 to Bedell state park and making an appropriation therefor. (Teschner, Graf 5, et al, to Public Works)

24, study 254

HB 1502-FN, removing the fee and certain reporting requirement for persons who wish to sell venison. (Teschner, Graf 5, et al, to Environment and Agriculture)

new title: removing certain reporting requirements for persons who wish to sell venison. 24, com changed 30, am 319, psd 362, S conc 816, enr 927 (Chapter 153)

HB 1503, establishing a committee to study economic development in rural New Hampshire through the enhancement of fish, game and nongame programs. (K. Rogers, Merr 22, et al, to Wildlife and Marine Resources)

24, study 319

HB 1504-FN-L, requiring certain damage disclosure upon the sale or transfer of an automobile. (Buckley, Hills 44, et al, to Commerce, Small Business and Consumer Affairs)

24, study 457-458

HB 1505-FN, allowing persons other than police officers to attend courses given by the police standards and training council and to become certified to be municipal or county police officers. (G. Brown, Straf 17, et al, to Public Protection and Veterans Affairs)

24, study 311

HB 1506-FN-L, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail. (Gilmore, Straf 11, et al, to Constitutional and Statutory Revision)

24, am (RC) 194-198, psd 209, conc S am 718, enr 879, appointments 1056 (Chapter 154)

HB 1507-FN, relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure. (I. Pratt, Ches 5, et al, to Health, Human Services and Elderly Affairs)

new title: relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and continually appropriating a special fund.

2nd new title: relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act.

24, am & Ways and Means 285-286, am 582-583, psd 592, S conc 929, enr 953 (Chapter 280)

HB 1508-FN, relative to premiums charged under the workers' compensation assigned risk pool and establishing a committee to study the workers' compensation rate system. (J. Bradley, Carr 8, et al, to Labor, Industrial and Rehabilitative Services)

24, study 533

HB 1509, authorizing the department of safety, division of safety services to permit the wearing of non-Coast Guard approved personal flotation devices. (L'Heureux, Hills 18, et al, to Transportation)

new title: exempting persons participating in an American Water Ski Association event from the wearing of certain personal flotation devices.

25, am 547, psd 591, S conc 800, enr 946 (Chapter 200)

HB 1510-FN, relative to the availability of on-site foreign currency exchange. (D. Hall, Merr 10, et al, to Commerce, Small Business and Consumer Affairs)

25, psd 458, 489, S nonconc 881

HB 1511-FN, allowing cooperative electric utilities to be exempted from regulation by the public utilities commission. (V. Clark, Rock 15, to Science, Technology and Energy)

25, K 262

HB 1512-FN, relative to the composition of the pesticide control board and establishing a citizens advisory committee. (B. Hall, Hills 20, et al, to Environment and Agriculture)

new title: requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee.

25, am 527-528, psd 590, nonconc S am, conf 940, 943, rep adop 984, enr 1008 (Chapter 327)

- HB 1513-FN-A**, exempting certain veterans' organizations from the business enterprise tax. (B. McKinney, Rock 29, to Ways and Means)
25, K 380-381
- HB 1514-FN-L**, establishing a "gifted and talented program" for certain public schools. (Kurk, Hills 5, et al, to Education)
25, am & Approp (RC) 275-278, K (RC) 551-553, recon rej 589
- HB 1515-FN**, relative to the emissions reduction credits trading program. (J. Bradley, Carr 8, et al, to Science, Technology and Energy)
25, rules suspended 383, am 390-396, psd 402, conc S am 940, enr am 1006, enr 1008, appointments 1063 (Chapter 397)
- HB 1516-FN-A**, transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefor. (Lown, Hills 14, to Appropriations)
25, psd 191, 209, S conc 675, enr 675 (Chapter 7)
- HB 1517-FN**, relative to taking or harvesting clams and relative to clam license fees. (B. Moore, Rock 21, to Wildlife and Marine Resources)
25, rules suspended 383, K 401
- HB 1518-A**, appropriating funds for the design and construction of an easterly approach from the Scammell bridge to the Spaulding turnpike. (F. Torr, Straf 12, to Public Works)
new title: requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from turnpike system revenue bonds.
2nd new title: requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated.
25, am & Approp 346, am 505-506, psd 589, conc S am 940, enr 953 (Chapter 281)
- HB 1519**, limiting any pecuniary benefit received by directors and officers of charitable trusts. (Lown, Hills 14, et al, to Judiciary)
25, psd 305, 361, S conc 816, enr 949 (Chapter 228)
- HB 1520-FN-A-L**, raising certain taxes and revenue to fund public kindergarten. (D. Hall, Merr 10, et al, to Ways and Means)
25, SO 617, K (2 RCs) 623-628
- HB 1521-FN**, restricting the courts' penalties for civil and criminal contempt. (Hemon, Straf 11, to Judiciary)
25, rem 299, SO 353, K 430
- HB 1522-FN**, to establish the department of the state law library. (Hemon, Straf 11, et al, to Executive Departments and Administration)
25, rem 298, K 353
- HB 1523-FN-A**, establishing a state veterans' cemetery and making an appropriation therefor. (Fenton, Hills 24, et al, to Appropriations)
25, com changed 128, Approp 291, am 554, psd 591, S conc 929, enr 953, appointments 1057 (Chapter 282)
- HB 1524-FN**, relative to the executive reorganization of the department of education. (Skinner, Rock 27, et al, to Executive Departments and Administration)
25, am 333-340, psd 362, conc S am 819, enr am 1007, enr 1008 (Chapter 379)
- HB 1525**, relative to communications that constitute harassment. (L'Heureux, Hills 18, et al, to Corrections and Criminal Justice)
25, rem 504, am 588, psd 592, nonconc S am, conf 819, 943, rep adop 984, enr 1008 (Chapter 354)
- HB 1526**, allowing municipalities to appropriate funds to maintain certain municipal roads. (Hunter, Hills 7, et al, to Municipal and County Government)
25, K 309
- HB 1527**, prohibiting the sale and use of lead fishing sinkers except to persons with commercial salt water fishing licenses. (J. Bradley, Carr 8, et al, to Wildlife and Marine Resources)
25, study 262
- HB 1528-FN-L**, establishing a safe school zone and relative to school violence. (Skinner, Rock 27, et al, to Education)
25, am (2 RCs) 649-657, psd 666, nonconc S am, conf 940, 943, rep adop 985, enr 1008 (Chapter 355)

- HB 1529-FN**, relative to the apportionment, priority of and limitations on bridge betterment funds. (G. Chandler, Carr 1, et al, to Public Works)
25, psd 254-255, 294, S conc 675, enr am 819, enr 879 (Chapter 155)
- HB 1530-FN**, relative to the child protection act and providing protection from informers. (Hemon, Straf 11, to Children, Youth and Juvenile Justice)
25, K 216
- HB 1531-FN**, imposing a surcharge on fines and default payments which are overdue to the courts. (J. Bradley, Carr 8, et al, to Public Works)
26, K 255
- HB 1532-FN-L**, requiring the division of public health services to establish a needle exchange program. (C. Kane, Rock 34, et al, to Health, Human Services and Elderly Affairs)
new title: requiring the division of public health services to establish a needle exchange program and making an appropriation therefor.
26, am & Approp (RC) 286-289, psd (RC) 554-557, 591, S nonconc 817
- HB 1533**, adding a member to the pesticide control board. (Linda Smith, Belk 5, et al, to Environment and Agriculture)
new title: relative to the composition of the pesticide control board.
2nd new title: relative to the composition of the pesticide control board and relative to the definition of abutter for the purposes of rules adopted by the board.
3rd new title: relative to the pesticide control board.
26, am 528-529, psd 590, nonconc S am, conf 940, 943, rep adop 985, enr am 1007, enr 1008 (Chapter 380)
- HB 1534-FN-L**, relative to solid waste districts. (Burnham, Ches 8, et al, to Environment and Agriculture)
new title: establishing a task force to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee.
26, am 529-530, psd 590, conc S am 883, enr 949, appointments 1057 (Chapter 254)
- HB 1535-FN-L**, exempting certain vessels from the state vessel registration fee and the boat fee. (Syracusa, Rock 33, et al, to Transportation)
26, Approp 316, psd 506, 589, nonconc S am, conf 940, 943, rep adop 985 (K)
- HB 1536-FN**, authorizing the court to issue emergency temporary orders telephonically. (C. Johnson, Belk 1, et al, to Corrections and Criminal Justice)
26, am 302, psd 361, S conc 929, enr 949 (Chapter 255)
- HB 1537-FN**, establishing \$.50 as the maximum fee which state agencies or bodies may charge per page for copies of documents. (W. Riley, Ches 7, to Executive Departments and Administration)
26, K 340
- HB 1538-FN-A**, to repeal the business enterprise tax. (Gorman, Rock 8, et al, to Ways and Means)
26, K (RC) 381-383
- HB 1539-FN**, establishing an intermodal statewide transportation improvement program for New Hampshire. (Burnham, Ches 8, et al, to Public Works)
new title: establishing a statewide intermodal transportation planning and improvement program.
26, am 541-542, psd 591, S conc 929, enr 953 (Chapter 283)
- HB 1540-FN**, permitting the state to commit certain persons convicted of sexually violent crimes for psychiatric treatment after they have completed their sentences. (Knowles, Straf 11, to Corrections and Criminal Justice)
26, study 302
- HB 1541**, establishing an executive branch ethics committee. (K. Rogers, Merr 22, et al, to Executive Departments and Administration)
26, study 607
- HB 1542-FN-L**, establishing a teacher evaluation program. (Carter, Merr 7, et al, to Education)
26, study 525

- HB 1543-FN-A**, providing that interest from youth development center resident trust accounts be continually appropriated and used for the benefit of the residents and changing the name of the bureau of secure care. (Wallner, Merr 24, et al, to Appropriations)
new title: relative to interest from youth development center resident trust accounts, allowing the administrator to establish other accounts, and changing the title of the "bureau of secure care" to the "bureau of residential services."
26, am 214-215, psd 243, S conc 717, enr 802 (Chapter 81)
- HB 1544**, replacing the capital budget with separate capital expenditure bills. (Rice, Belk 7, et al, to Public Works)
26, K 255
- HB 1545**, relative to disclosure regarding contests and gift giveaways. (L. Foster, Hills 10, et al, to Commerce, Small Business and Consumer Affairs)
26, rules suspended 294, am 517-518, psd 590, S conc 816, enr 949 (Chapter 229)
- HB 1546-FN-L**, to provide an additional service retirement option for group I teacher members of the retirement system. (C. Jean, Hills 32, et al, to Executive Departments and Administration)
26, K 374
- HB 1547-FN**, relative to privatization of liquor sales and license fees. (D. Hall, Merr 10, et al, to Regulated Revenues)
26, K 313-314
- HB 1548-FN**, relative to medical and surgical benefits for state employees. (R. Hawkins, Belk 3, et al, to Executive Departments and Administration)
new title: relative to medical and surgical benefits for state employees and establishing a committee to study eligibility requirements for receiving state medical and surgical benefits.
26, rules suspended 383, SO 388, am & Approp (RC) 407-411, am 557, psd 591, S nonconc 931
- HB 1549-FN-A**, proposing a 2 percent tax on pet products to fund a spay/neuter program. (McGuirk, Ches 1, to Ways and Means)
26, K 350
- HB 1550**, requiring the attorney general to recommend to the general court the best way to implement an efficient and unified system of criminal prosecution. (Lozeau, Hills 30, to Corrections and Criminal Justice)
new title: establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.
26, am 463-464, psd 489, S nonconc 718
- HB 1551-FN-A**, relative to the state's repayment of retirement costs for certain judicial branch employees and making an appropriation therefor. (Feuerstein, Merr 13, to Executive Departments and Administration)
new title: to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control.
2nd new title: to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases; relative to the appropriation to the division of forests and lands forest protection bureau for fire control; and relative to the appropriation to the department of safety to fund the driver training program.
26, Approp 341, am 506-507, psd 589, nonconc S am, conf 940, 943, rep adop 985, enr 1008 (Chapter 328)
- HB 1552-FN-L**, relative to the certification of employer contributions by the retirement system board of trustees. (C. Brown, Graf 14, to Executive Departments and Administration)
27, SO 374, am & Approp 404-406, psd 457, 489, S conc 717, enr 814 (Chapter 119)
- HB 1553-A**, making a capital appropriation to the supreme court for the design and construction of an administrative office building. (G. Chandler, Carr 1, et al, to Public Works)

new title: making a capital appropriation to the supreme court for the design of an administrative office building.
27, rules suspended 383, am & Approp 388-389, psd 558, 591, S conc 929, enr 949 (Chapter 230)

HB 1554-FN, authorizing the executive director of the department of fish and game to hire clam wardens. (B. Moore, Rock 21, to Wildlife and Marine Resources)
27, K 319

HB 1555-FN, establishing a lobster management plan. (Drake, Rock 24, et al, to Wildlife and Marine Resources)
27, study 319

HB 1556-FN-L, establishing the position of fiscal officer for Rockingham county. (Weyler, Rock 18, et al, to Municipal and County Government)
27, am 309-310, psd 361 (K)

HB 1557-A, making an appropriation for the design and construction of the Plymouth district courthouse. (Driscoll, Graf 7, et al, to Public Works)
27, Approp 291, K 1553

HB 1558-FN, relative to certification of cable franchise authorities. (McRae, Hills 7, et al, to Science, Technology and Energy)
27, rules suspended 383, study (RC) 396-399

HB 1559, prohibiting smoking in all indoor public places and workplaces, with certain exceptions. (D. Holt, Hills 35, et al, to Commerce, Small Business and Consumer Affairs)
new title: relative to smoking in indoor public places.

27, am 646-647, psd 666, S nonconc 817

HB 1560-FN, permitting termination of marriages by agreement without court approval, and requiring binding arbitration of all marital disputes based upon irreconcilable differences. (Harwell, Coos 7, to Judiciary)
27, K 305-306

HB 1561, allowing a choice of the motto on New Hampshire license plates. (Braiterman, Merr 3, et al, to Transportation)
27, SO 617, study 620

HB 1562-FN, establishing an uninsured motorist claims fund. (T. Arnold, Hills 20, to Commerce, Small Business and Consumer Affairs)
27, rules suspended 383, K 384

HB 1563-FN-A, imposing a value added tax and repealing certain state and municipal taxes and fees. (Harwell, Coos 7, to Ways and Means)
27, K (RC) 350-353

HB 1564-FN, authorizing a resident of a municipality to participate in the municipality's health plan at that resident's own expense. (Kirby, Hills 24, et al, to Commerce, Small Business and Consumer Affairs)
27, K 602

HB 1565-FN, adding an exemption from inspections for certain boilers. (Below, Graf 13, to Public Protection and Veterans Affairs)
27, study 254

HB 1566-FN, relative to the duties of the secretary of state, including accounting for certain fees. (Gilmore, Straf 11, et al, to Constitutional and Statutory Revision)

new title: relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in places which are organized and which are not organized for voting, and relative to the declaration of intent form which must be filed by candidates.

2nd new title: relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in organized places which are not organized for voting, relative to the declaration of intent form, relative to filing for a special election primary, relative to the party designation on ballots, relative to the board of claims, and relative to the appropriation to the board of auctioneers to fund continuing education.

27, am 435-436, psd 487, conc S am 940, enr am 1007, enr 1008 (Chapter 381)

- HB 1567-FN**, relative to the medical fee schedule, businesses with 25 or more employees and other aspects of workers' compensation. (R. Hawkins, Belk 3, to Labor, Industrial and Rehabilitative Services)
27, LT (RC) 473-476, 665, 1P 990
- HB 1568-FN-L**, requiring the division of public health services to test the air quality in public educational facilities. (Gilmore, Straf 11, et al, to Health, Human Services and Elderly Services)
new title: requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution
27, am 304-305, psd 361, S conc 717, enr am 944, enr 953, appointments 1057 (Chapter 284)
- HB 1569-FN**, relative to administrative review of suspended or revoked motor vehicle licenses. (Lozeau, Hills 30, et al, to Corrections and Criminal Justice)
27, am 563-565, psd 591, S study 931
- HB 1570-FN-A-L**, decreasing the temporary rate of the meals and rooms tax from 8 percent to 7 percent. (Avery, Ches 8, to Ways and Means)
27, K (RC) 662-665
- HB 1571-A**, appropriating funds for renovations to the Brown building. (Calawa, Hills 17, et al, to Public Works)
new title: appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse.
2nd new title: appropriating funds for the design and renovation of the Brown building, making a capital appropriation for the construction and furnishing of the Plymouth district courthouse, and relative to the capital appropriation for the fire standards and training dormitory.
27, rules suspended 383, SO 389, Approp (RC) 412-415, am (RC) 558-561, psd 591, nonconc S am, conf 941, 943, rep adop 985, enr am 1007-1008, enr 1008 (Chapter 382)
- HB 1572-FN**, relative to public employee labor relations and filing fees. (Wadsworth, Graf 14, to Labor, Industrial and Rehabilitative Services)
new title: relative to the public employee labor relations board and filing fees and making an appropriation therefor.
2nd new title: relative to indexing public employee labor relations board decisions and filing fees and making an appropriation therefor.
27, am & Ways and Means 375-376, am 584-585, psd 592, nonconc S am, conf 941, 943, 949, rep adop 985, enr 1008 (Chapter 356)
- HB 1573**, relative to the confidentiality of proceedings for guardianship of a minor. (Holden, Hills 14, to Children, Youth and Juvenile Justice)
27, am 300, psd 361, S conc 800, enr 802 (Chapter 61)
- HB 1574**, extending the reporting deadline for certain study committees. (A. Merrill, Straf 8, et al, to Legislative Administration)
27, rules suspended 294, am 534, psd 590, S conc 800, enr 879, list of committees extended 1049 (Chapter 156)
- HB 1575-FN**, requiring the public utilities commission to investigate the concerns of residents of the town of Goffstown served by the Dunbarton Telephone Company. (Hunter, Hills 7, et al, to Science, Technology and Energy)
27, K 314
- HB 1576**, establishing a procedure for medical decision-making on behalf of patients unable to make decisions for themselves. (Record, Hills 27, et al, to Judiciary)
28, rules suspended 294, K 442
- HB 1577-L**, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon. (Trelfa, Graf 2, to Municipal and County Government)
rules suspended, intro & psd 3-4, S conc 51, enr 127 (Chapter 1)

- HB 1578**, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee. (A. Merrill, Straf 8, et al, to Legislative Administration) 128, am 443-445, psd 488, nonconc S am, conf 802, 881, rep adop 985, enr 1008 (Chapter 329)
- HB 1579-FN-A-L**, relative to safety and managed care under the workers' compensation law and making an appropriation therefor. (Turner, Belk 7, et al, to Labor, Industrial and Rehabilitative Services) 179, am & Approp 206-207, rules suspended, am & psd 213, S conc & enr 243 (Chapter 3)
- HB 1580-FN-A**, increasing the funds appropriated to finance the gubernatorial transition. (Trombly, Merr 4, et al, to Appropriations)
new title: increasing the funds appropriated to finance the gubernatorial transition and relative to the duties of the bank commissioner. 179, am 432-433, psd 487, nonconc S am, conf 941, 943, rep adop 985, enr 1008 (Chapter 330)
- HB 1581**, establishing a committee to study the University of New Hampshire cooperative extension, and changing the name of the extension service to "University of New Hampshire cooperative extension." (Schotanus, Sull 3, et al, to Education)
new title: establishing a committee to study the University of New Hampshire cooperative extension. 211, am 439, psd 488, conc S am 802, enr 879, appointments 1057 (Chapter 157)
- HB 1582-FN**, relative to state house health services. (A. Torr, Straf 12, et al, to Legislative Administration) 417, psd 534, 590, S conc 718, enr 802 (Chapter 82)
- HB 1583-FN**, requiring that milk products known to contain the genetically produced bovine somatotropin growth hormone be so labeled. (Newman, Rock 4, to Environment and Agriculture) 417, study (RC) 604-606
- HB 1584-FN-A-L**, establishing a uniform statewide property tax to provide local property tax relief and to equalize funding for education. (Allen, Hills 1, to Ways and Means) 417, SO 617, K (RC) 629-631
- HB 1585-FN**, consolidating administration of the bureau of risk management and workers' compensation commission, relative to the board of claims, and abolishing the board of approval for state employee bonds. (C. Brown, Graf 14, to Appropriations)
new title: consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds. 417, am 507-508, psd 589, S conc 800, enr 819 (Chapter 158)
- HB 1586-FN-L**, regarding victim and law enforcement access to juvenile court records. (A. Torr, Straf 12, to Children, Youth and Juvenile Justice)
new title: regarding victim and law enforcement access to certain confidential information regarding a juvenile offender. 417, rules suspended & am 705-707, psd 714, conc S am 941, enr 1008 (Chapter 357)
- HB 1587-L**, relative to the Littleton Water and Light Department. (K. Ward, Graf 1, et al, to Municipal and County Government) 665, rules suspended & K 811
- HB 1588-L**, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum. (Felch, Rock 21, et al, to Municipal and County Government) 665, rules suspended & psd 749, 772, S conc 880, enr 946 (Chapter 201)

1994 Session

HOUSE JOINT RESOLUTIONS

- HJR 20**, urging the Federal Highway Administration to include certain segments of U.S. Route 2 in the new "National Highway System." (Guay, Coos 6, et al, to State-Federal Relations)
new title: urging the U.S. Congress to include certain segments of U.S. Route 2 in the new "National Highway System." 29, psd 457, 488, conc S am 802, enr 879 (Chapter 159)

- HJR 21**, urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States. (Cogswell, Carr 5, et al, to State-Federal Relations)
29, psd 543, 591, S conc 800, enr 802 (Chapter 83)
- HJR 22**, urging Congress to pass the Federal Mandates Relief Act of 1993. (J. Chandler, Merr 1, et al, to State-Federal Relations)
29, am (RC) 612-614, psd 618, recon & psd (RC) 666-668, S conc 718, enr 802 (Chapter 84)

HOUSE CONCURRENT RESOLUTIONS

1993 HCR RE-REFERRED TO COMMITTEE

- HCR 5**, urging the federal government to pay \$50 to AFDC recipients for each time period represented by the amount in arrears.
K 43-44

1994 Session

HOUSE CONCURRENT RESOLUTIONS

- HCR 20**, providing that long-term care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives. (Ziegra, Belk 5, et al, to Health, Human Services and Elderly Affairs)
28, adop 188, 209, S conc 675
- HCR 21**, urging the New Hampshire congressional delegation to vote against any retroactive taxation. (Hurst, Rock 22, et al, to State-Federal Relations)
28, K 457
- HCR 22**, urging Congress to limit campaign spending and to keep unalterable records of its proceedings. (St. Martin, Rock 6, et al, to State-Federal Relations)
28, adop 479, 489, S conc 816
- HCR 23**, relative to the North American Free Trade Agreement. (Owen, Merr 6, et al, to State-Federal Relations)
28, K 479
- HCR 24**, designating the month of June as "Porcelain Art Month." (C. Johnson, Belk 1, to Resources, Recreation and Development)
28, K 259
- HCR 25**, in support of the free transfer of the former Pease Air Force Base. (Splaine, Rock 36, to Commerce, Small Business and Consumer Affairs)
29, am 518, adop 590, S conc 929
- HCR 26**, rescinding the 1979 call for a federal constitutional convention. (W. Riley, Ches 7, et al, to State-Federal Relations)
29, K (RC) 479-482
- HCR 27**, encouraging federal legislation to recognize atomic veterans. (Cogswell, Carr 5, to Public Protection and Veterans Affairs)
29, adop 311, 361, S conc 675
- HCR 28**, issuing an ultimatum to the federal government regarding the national debt. (Borsa, Hills 24, et al, to State-Federal Relations)
29, rem 431, SO 487 K (RC) 494-496
- HCR 29**, clarifying legislative intent on issues of local school board control. (Larson, Graf 8, et al, to Education)
29, adop 464-489, S conc 718
- HCR 30**, urging the state board of education to implement courses in the secondary curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect. (Hilliard, Straf 14, et al, to Education)
new title: urging the state board of education to encourage local school districts to foster curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect.
29, am 526, adop 590, S conc 800

HCR 31, urging that the northern forest of New Hampshire continue to be used to provide jobs for timber industry, recreation, and tourism. (P. Bradley, Coos 6, et al, to State-Federal Relations)

29, am 543, adop 591, S conc 718

HCR 32 memorializing former President Richard M. Nixon. (Burns, Coos 5, et al) intro, rules suspended & adop 812-813, 814, S conc 816

HOUSE BILL OF INTENT

1993 HBI RE-REFERRED TO COMMITTEE

HBI 1, relating to wiretapping and eavesdropping.

K 44

1994 Session

HOUSE BILLS OF INTENT

HBI 20, a mandatory sentence for DWI offenders who commit negligent homicide. (N. Young, Belk 7, et al, to Corrections and Criminal Justice)

29, K 438

HBI 21, persons with disabilities who are "wait listed" with the department of health and human services. (Burnham, Ches 8, et al, to Health, Human Services and Elderly Affairs)

29, adop 219, 243

HOUSE RESOLUTIONS

1993 HR RE-REFERRED TO COMMITTEE

HR 18, requesting an opinion of the justices concerning the constitutionality of an amendment to HB 257-FN.

am & LT 166-167, IP 990

1994 Session

HOUSE RESOLUTIONS

HR 40 memorializing Rep. Lowell D. Apple of Hooksett.

intro & adop 4

HR 41, recognizing July 28, 1994 as Parents' Day. (Buessing, Merr 23, et al, to Children, Youth and Juvenile Justice)

29, K 300

HR 42, urging the Northeast Ozone Transport Commission to not recommend to the EPA a proposal adopting a low emission vehicle program. (Rodeschin, Sull 4, et al, to Environment and Agriculture)

new title: urging the Ozone Transport Commission to not recommend that the EPA mandate an ozone reduction and air quality program without prior legislative authorization from member states.

29, rules suspended, am & adop 185-186, adop 209

HR 43 memorializing Rep. Daniel P. McNerney of Goffstown.

intro & adop 5

HR 44 memorializing Rep. Caroline L. Gross.

intro & adop 5

HR 45, relative to cable television and retransmission consent. (Linda Smith, Belk 5, et al, to Science, Technology and Industry)

new title: relative to cable television programming availability and retransmission consent.

29, rem 246, rcmt 293, am 455-456, adop 488

HR 46, urging that impeachment proceedings be instituted against Strafford county probate judge Gary R. Cassavechia. (Hemon, Straf 11, to Judiciary)

29, K (RC) 202-206, special report of legislative ethics committee (RC) 1041-1045

HR 47, adopting amendments to the house rule regarding capital spending legislation. (Harwell, Coos 7, to Legislative Administration)

29, rem 504, K 588-589

- HR 48**, encouraging the speaker of the New Hampshire house of representatives to establish a study committee on the cost and feasibility of televising sessions and committee meetings of the New Hampshire house of representatives. (DePecol, Ches 14, to Legislative Administration)
29, adop 534, 590
- HR 49**, urging the general court to support federal legislation on consumer choice in cable. (Salatiello, Belk 2, et al, to Science, Technology and Energy)
new title: urging the general court to support federal legislation on consumer choice in cable and telephone service.
29, am 456-457, adop 488
- HR 50**, amending the House Rules for the 1994 Session.
intro & adop 95-96, am 1045
- HR 51**, honoring the Nashua High School Center of Applied Technology team, winners of the United States Skill Olympics.
intro & adop 66-67
- HR 52**, memorializing Rep. Howard F. Mason of Wilton.
intro & adop 295
- HR 53** memorializing former Rep. Ernest R. Coutermarsh, Sr.
intro & adop 296
- HR 54**, encouraging declassification and dissemination of documents and materials relating to American POW/MIAs. (C. Johnson, Belk 1, to Public Protection and Veterans Affairs)
417, adop 679, 695
- HR 55**, requesting an opinion of the justices concerning the constitutionality of HB 1135. (Gordon, Graf 8, et al, to Judiciary)
rules suspended 415, intro & adop 415-416, opin printed 796-797
- HR 56**, memorializing House Clerk James A. Chandler
intro & adop 673
- HR 57**, memorializing State Representative John F. O'Brien
intro & adop 697
- HR 58**, requesting an opinion of the justices on the constitutionality of SB 636. (Dickinson, Carr 2, et al)
intro, rules suspended & adop 865-867, 878

SENATE BILLS

1993 BILLS RE-REFERRED TO COMMITTEE

- SB 27**, establishing a committee to study the apportionment of county taxes.
study 47
- SB 33**, relative to licensing of certified public accountants. (Commerce, Small Business and Consumer Affairs)
296, com changed 676, K 841
- SB 43**, relative to the state board of auctioneers. (Executive Departments & Administration)
rcmt 123-126, rem 299, am (RC) 353-359, psd 362, S nonconc 674
- SB 59**, relative to the privacy act. (Judiciary)
am 154-155, psd 160, S nonconc, H rej conf 212
- SB 68**, establishing a challenge grant to restore and preserve the Nansen ski jump facility. (Public Works)
study 66
- SB 90**, relative to child support enforcement and child support payments. (Children, Youth and Juvenile Justice)
296, am 698, psd 714, S conc 800, enr am 990, enr 1008 (Chapter 398)
- SB 128**, relative to the recodification of the forestry laws. (Resources, Recreation and Development)
211, am 805-806, psd 813, S conc 881, enr 949 (Chapter 231)
- SB 129**, relative to the overnight use of vessels and prohibiting the discharge of sewage into certain waters. (Resources, Recreation & Development)
K 48-49

- SB 143-FN**, establishing a process for policy analysis of state agencies and making an appropriation therefor. (Legislative Administration)
K 44
- SB 144-FN-A**, relative to the legacies and successions tax on property jointly owned. (Ways and Means)
363, am 918, psd 926, S conc 929, enr 953 (Chapter 285)
- SB 149-FN**, relative to land surveying by proprietorships, corporations or partnerships. (Executive Departments & Administration)
new title: relative to land surveying by individual proprietors, corporations or partnerships.
am 42-43, psd 126, S nonconc, conf 212, rep rej, new conf 953-955, 987, rules suspended & rep adop 987-989, enr 1008 (Chapter 358)
- SB 162-FN-L**, authorizing the sweepstakes commission to establish video lottery games. (Regulated Revenues)
K 66
- SB 165-FN**, relative to certification of landscape architects. (Executive Departments and Administration)
296, study 744
- SB 183-FN-L**, requiring the tax collector to notify certain mortgagees prior to execution of a tax deed. (Municipal & County Governments)
K 47
- SB 214-FN-L**, requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief. (Municipal and County Government)
212, psd 700, 714, enr 798 (Chapter 45)
- SB 215-FN**, providing a cost of living adjustment for group II permanent firemen members of the New Hampshire retirement system. (Executive Departments & Administration)
K 43
- SB 225-FN**, relative to shoreland protection. (Resources, Recreation and Development)
new title: relative to shoreland protection and making an appropriation therefor.
363, am & Approp 729, am 887, psd 926, S nonconc, conf 931, rep adop 955, enr am 990-991, enr 1008 (Chapter 383)
- SB 226-FN**, relative to special number plates for reserve members. (Transportation)
212, study 712
- SB 230-FN**, relative to sprinkler systems in residential care homes and supported residential care facilities. (Commerce, Small Business & Consumer Affairs)
K 36
- SB 234-FN-A-L**, relative to the return of revenue to cities and towns. (Appropriations)
K 99
- SB 235**, relative to involuntary emergency admissions. (Judiciary)
K 44
- SB 236-FN-A**, allowing a tax credit against the business profits tax for certain businesses. (Economic Development)
K 177

1994 SESSION

- SB 501-FN-A**, relative to the business transition credit with respect to the business enterprise tax. (Ways and Means)
363, psd 918, 926, enr 949 (Chapter 232)
- SB 503-FN**, relative to the practice of electrology and the collection of certain fees. (Health, Human Services and Elderly Affairs)
296, psd 677, 695, enr am 884, enr 946 (Chapter 202)
- SB 504-FN-A**, relative to funding for state literacy programs and making an appropriation therefor. (Appropriations)
669, com changed 676, study 699
- SB 505**, establishing a study committee to review the statutory provisions relative to compulsory school attendance. (Education)
417, study 699

- SB 506**, allowing matters of state or national concern to be placed on the official ballot used for the election of town officers. (Municipal and County Government)
671, K 700
- SB 507-FN-L**, increasing fees for bail commissioners. (Judiciary)
212, K 689
- SB 508**, enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities. (Municipal and County Government)
671, am 749, psd 772, S conc 929, enr am 952, enr 1008 (Chapter 331)
- SB 510**, eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops. (Health, Human Services and Elderly Affairs)
363, am 724, psd 772, S conc 816, enr 927 (Chapter 160)
- SB 511**, permitting the executive director of the department of fish and game to impose administrative fines. (Wildlife and Marine Resources)
417, psd 704, 714, enr 802 (Chapter 62)
- SB 512-FN**, authorizing a New Hampshire Pearl Harbor survivor special number plate. (Transportation)
212, study 704
- SB 513**, requiring the sweepstakes commission to use instant lottery tickets made from recycled materials. (Regulated Revenues)
212, K 704
- SB 515**, relative to requirements for alternate jurors. (Judiciary)
296, psd 678, 695, enr 696 (Chapter 23)
- SB 516**, making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case. (Corrections and Criminal Justice)
new title: making it a violation to fail to render aid when requested by a law enforcement officer who requires aid in a criminal case or an emergency situation.
417, am 759, psd 773, S conc 930, enr 953 (Chapter 286)
- SB 517**, making it a crime to obstruct the reporting of a crime or a bodily injury. (Corrections and Criminal Justice)
363, am 720, psd 772, S conc 930, enr 953 (Chapter 304)
- SB 518**, relative to life and health insurance policy language simplification. (Commerce, Small Business and Consumer Affairs)
new title: requiring health care providers to clearly state the benefits and services provided to enrollers and subscribers and relative to policy language simplification.
671, am 823-826, psd 878, S nonconc, conf 931, rep adop 955-956, enr 1008 (Chapter 359)
- SB 520-L**, relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord. (Municipal and County Government)
671, psd 828, 878, enr 946 (Chapter 203)
- SB 521**, establishing a committee to study skiing accident laws. (Judiciary)
296, K 678
- SB 522-FN**, requiring elected police officers to meet certain criminal history and background requirements. (Public Protection)
671, K 805
- SB 523**, establishing a committee to study patient access to information about health care providers and the quality assurance process. (Health, Human Services and Elderly Affairs)
new title: establishing a committee to study patient access to information about health care providers and the quality assurance process and allowing nonprofit agencies serving disabled persons to apply for walking disability placards.
669, am 804-805, psd 813, S nonconc, conf 931, rules suspended & rep adop 956-957, enr am 991, enr 1008, appointments 1058 (Chapter 399)
- SB 524**, relative to the rulemaking authority of the pesticide control board and the labeling of pesticides. (Environment and Agriculture)
212, psd 677, 695, enr 696 (Chapter 24)

- SB 525**, relative to medicare supplemental insurance. (Commerce, Small Business and Consumer Affairs)
212, psd 803, 813, enr 949 (Chapter 233)
- SB 526**, relative to risk retention groups not chartered in New Hampshire. (Commerce, Small Business and Consumer Affairs)
212, psd 803, 813, enr 814 (Chapter 120)
- SB 527**, relative to terms of legislative members of the state board of claims and relative to the jurisdiction of the board of tax and land appeals. (Executive Departments and Administration)
new title: relative to terms of legislative members of the state board of claims.
417, am 707-708, psd 714, S conc 800, enr 879 (Chapter 161)
- SB 528**, relative to central business service districts. (Municipal and County Government)
296, psd 701, 714, enr 802 (Chapter 85)
- SB 529**, limiting liability of trappers for certain accidents involving domestic animals.
intro rej 676
- SB 530-L**, relative to town liability for riot damage. (Judiciary)
296, psd 689, 696, enr 696 (Chapter 25)
- SB 532**, relative to jewelers' liens. (Commerce, Small Business and Consumer Affairs)
364, am 803-804, psd 813, S conc 816, enr 927 (Chapter 162)
- SB 533**, prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board. (Resources, Recreation and Development)
297, psd 681, 695, enr 696 (Chapter 26)
- SB 534**, relative to condominium common assessments. (Commerce, Small Business and Consumer Affairs)
671, SO 738, am 774-775, psd 798, S conc 801, enr 819 (Chapter 163)
- SB 535-FN**, relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans and providing for indemnification of board members, officers, and employees of the higher education and health facilities authority. (Education)
417, psd 720, 772, enr 802 (Chapter 86)
- SB 536**, relative to appropriations for the expansion of the port of Portsmouth. (Public Works)
212, psd 680, 695, enr am 884, enr 946 (Chapter 204)
- SB 537**, relative to bonds issued by certain chartered towns. (Municipal and County Government)
297, psd 701, 714, enr 802 (Chapter 87)
- SB 538**, establishing a state freshwater fish. (Wildlife and Marine Resources)
212, rem 676, rcmt 695, psd 830, 878, enr am 952, enr 1008 (Chapter 332)
- SB 539**, establishing a committee to study the issue of exclusivity contracts between health care insurers and health care providers. (Commerce, Small Business and Consumer Affairs)
671, psd 804, 813, enr 819, appointments 1058 (Chapter 164)
- SB 540**, limiting rights of reversion relative to real property. (Judiciary)
418, K 678
- SB 541-FN-L**, allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments. (Judiciary)
new title: allowing the commissioner of the department of health and human services to settle small claims against the department.
297, rem 676, am 694-695, psd 696, S conc 930, enr 953 (Chapter 287)
- SB 542**, increasing the penalty for certain automobile offenses. (Corrections and Criminal Justice)
212, K 826
- SB 543-FN-A-L**, requiring that the department of revenue administration conduct an annual ratio study relative to real estate assessments and sales and making an appropriation therefor. (Municipal and County Government)
297, am & Approp 701, K 803

- SB 544-FN-L** relative to the requirements for sprinkler systems. (Public Protection and Veterans Affairs)
418, am 679-680, psd 695, S conc 718, enr 798 (Chapter 46)
- SB 545-FN**, relative to the salary of the executive director of the pharmacy board. (Executive Departments and Administration)
669, K 721
- SB 547-FN-A**, authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor. (Resources, Recreation and Development)
new title: encouraging the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and establishing a committee to study the acquisition of both properties and making an appropriation therefor.
669, am & Approp 729-730, am 887-888, psd 926, S conc 930, enr 946, appointments 1058 (Chapter 205)
- SB 548-FN**, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants. (Judiciary)
297, am 710-711, psd 714, recon rej 813, S conc 930, enr 953 (Chapter 288)
- SB 549**, relative to loans made by a bank to its executive officers, directors, or trustees. (Commerce, Small Business and Consumer Affairs)
297, psd 826, 878, enr 927 (Chapter 165)
- SB 550-FN**, relative to fees for filing documents with the insurance department. (Commerce, Small Business and Consumer Affairs)
212, study 677
- SB 552**, providing for ownership rights in dies and molds under certain conditions. (Science, Technology and Energy)
new title: providing for ownership rights in dies, molds, forms, and patterns under certain conditions.
297, am 828-830, psd 878, S conc 930, enr 949 (Chapter 256)
- SB 553**, repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake and permitting a dam to be constructed on Province Lake in the town of Effingham. (Resources, Recreation and Development)
297, psd 693, 696, enr 696 (Chapter 27)
- SB 554**, relative to insurance information and privacy protection. (Commerce, Small Business and Consumer Affairs)
364, K 804
- SB 555**, relative to health insurance which covers family members and making technical corrections to the insurance laws. (Commerce, Small Business and Consumer Affairs)
364, psd 804, 813, enr 927 (Chapter 166)
- SB 558**, relative to imposing late payment fees on retail credit customers. (Commerce, Small Business and Consumer Affairs)
364, am 831, psd 878, S conc 930, enr 946 (Chapter 206)
- SB 559**, relative to international adoptions. (Children, Youth and Juvenile Justice)
403, am 676-677, psd 695, S conc 718, enr 802 (Chapter 63)
- SB 560**, requiring participating districts in AREA school systems to negotiate withdrawal plans. (Education)
418, K 720-721
- SB 561**, prohibiting the right of setoff against an individual retirement account or a simplified employee pension. (Judiciary)
new title: limiting the right of seizure, setoff, or attachment against an individual retirement account or a simplified employee pension.
212, am 678, psd 695, S conc 718, enr 798 (Chapter 47)
- SB 562**, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. (Public Protection and Veterans Affairs)
403, psd 805, 813, enr am 944-945, enr 949 (Chapter 257)
- SB 563**, exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals. (Transportation)
212, psd 704, 714, enr 802 (Chapter 88)

- SB 564**, relative to authentication of municipal and county bonds. (Commerce, Small Business and Consumer Affairs)
297, psd 804, 813, enr 879 (Chapter 167)
- SB 565-FN**, relative to state contracts. (Executive Departments and Administration)
297, psd 722, 772, enr 802 (Chapter 89)
- SB 566-L**, relative to membership on city planning boards. (Municipal and County Government)
297, K 701
- SB 567**, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping. (Wildlife and Marine Resources)
671, am 704, psd 714, S nonconc, conf 819, 927, rep adop 957 (K)
- SB 569**, permitting the checking of traps at night subject to certain restrictions. (Wildlife and Marine Resources)
672, psd 705, 714, enr 798 (Chapter 51)
- SB 572-FN**, relative to maximum benefit limitations under the New Hampshire retirement system. (Executive Departments and Administration)
212, am & Approp 700, psd 888, 926, S conc 930, enr 946 (Chapter 207)
- SB 573**, establishing a committee to study the relocation of abandoned manufactured homes within manufactured housing parks. (Commerce, Small Business and Consumer Affairs)
671, psd 826, 878, enr 927, appointments 1058 (Chapter 168)
- SB 574**, relative to credit for reinsurance. (Commerce, Small Business and Consumer Affairs)
212, psd 699, 714, enr 802 (Chapter 64)
- SB 575-FN**, modifying the dental practice act. (Executive Departments and Administration)
new title: modifying the dental practice act, and authorizing the attorney general to hire an investigator and a stenographer.
2nd new title: modifying the dental practice act.
418, am & Approp 722, am 885, psd 926, S conc 930, enr 953 (Chapter 289)
- SB 576**, relative to disease control. (Health, Human Services and Elderly Affairs)
418, am 724, psd 772, S conc 816, enr 946 (Chapter 208)
- SB 578-L**, relative to the collection of property taxes in certain municipalities. (Municipal and County Government)
297, psd 711, 715, enr 802 (Chapter 90)
- SB 579-FN**, relative to group II death benefits under the New Hampshire retirement system. (Executive Departments and Administration)
297, Approp 708, psd 803, 813, enr 927 (Chapter 169)
- SB 580**, establishing a committee to study future directions for New Hampshire child care licensing policies. (Children, Youth and Juvenile Justice)
new title: exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.
2nd new title: establishing a committee to study future directions for New Hampshire child care licensing policies.
418, rem 698, rcmt 712, am 821-822, psd 877, S nonconc, conf 931-932, rep adop 957-958, enr am 991, enr 1008, appointments 1058-1059 (Chapter 400)
- SB 583**, establishing a committee to study the feasibility of issuing special license plates to nonprofit conservation organizations and using the proceeds from the fees to benefit nonprofit conservation organizations. (Transportation)
403, K 754
- SB 585**, increasing penalties for certain acts of cruelty to animals. (Wildlife and Marine Resources)
418, rem 698, rcmt 714, am 830-831, psd 878, S conc 930, enr 949 (Chapter 234)
- SB 586**, relative to licensing of cats and cat identification. (Municipal and County Government)
297, psd 701, 714, enr 802 (Chapter 99)
- SB 587**, revising the penalty provision for carrying a weapon without a valid license. (Public Protection and Veterans Affairs)
297, psd 680, 695, enr 798 (Chapter 48)

- SB 589**, relative to the powers of fiduciaries in environmental matters. (Judiciary)
new title: establishing a committee to study the powers of fiduciaries in environmental matters.
403, am 726, psd 772, S nonconc, conf 932, rep adop 958, enr 1008, appointments 1059 (Chapter 360)
- SB 590**, relative to the investment of trust funds by banks in affiliated investments. (Commerce, Small Business and Consumer Affairs)
297, K 831
- SB 591**, relative to the aerial application of pesticides. (Environment and Agriculture)
new title: relative to notification of aerial pesticide application.
403, am 840-841, psd 878, S conc 930, enr 949 (Chapter 235)
- SB 592**, relative to the display of expired motor vehicle plates. (Transportation)
new title: making a technical correction to the regulation of the height of a motor vehicle body and chassis.
2nd new title: making a technical correction to the regulation of the height of a motor vehicle body and chassis and prohibiting the display of expired number plates.
212, rem 698, am 712-714, psd 715, S nonconc, conf 932, rep adop 958-959, enr am 991, enr 1008 (Chapter 384)
- SB 593-FN**, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor. (Health, Human Services and Elderly Affairs)
669, Exec Depts 781, am 915-917, psd 926, S conc 930, enr 1008 (Chapter 333)
- SB 594-FN**, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license. (Regulated Revenues)
new title: relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license; liquor hours of sale; purchases by the liquor commission; payments to on-sale or off-sale licensees by holders of beverage manufacturer, vender or distributor licenses; and definitions for purposes of the liquor laws.
212, am & Ways and Means 793-795, psd 918-919, 926, S conc 930, enr 949 (Chapter 236)
- SB 595** changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day.
intro rej (RC) 420-422, recon rej (RC) 496-499
- SB 596-L**, relative to property taxes on property sold to religious and charitable organizations. (Municipal and County Government)
297, K 727
- SB 597**, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard. (Judiciary)
297, am 748, psd 772, S conc 816, enr 927 (Chapter 170)
- SB 598**, extending lapse dates of certain appropriations in 1993, 359 (HB 25-A). (Public Works)
new title: extending lapse dates of certain appropriations in 1993, 349 (HB 1) and 1993, 359 (HB 25-A).
297, Approp 692, am 719, psd 772, S conc 816, enr 927 (Chapter 171)
- SB 599-FN**, establishing a board of ophthalmic dispensing, and relative to the board's fees. (Executive Departments and Administration)
364, K (RC) 775-778
- SB 600-FN-A**, directing the liquor commission to license an agency liquor store in Center Harbor. (Regulated Revenues)
669, am & Ways and Means 795-796, SO 919, K 924-925
- SB 602-FN**, relative to defaults on payments of motor vehicle fines or court appearances. (Judiciary)
671, psd 748, 772, enr 802 (Chapter 65)
- SB 603**, relative to the definition and payment of salaried employees. (Labor, Industrial and Rehabilitative Services)
671, am 843-844, psd 878, S conc 930, enr 953 (Chapter 290)
- SB 604**, relative to the Medicaid look-back provisions for applicants for public or medical assistance. (Health, Human Services and Elderly Affairs)

- new title:** relative to the Medicaid look-back provisions for applicants for public or medical assistance and authorizing the commissioner of the department of health and human services to adopt rules relative to the compensation of the members of the drug use review board.
364, am 724-725, psd 772, S conc 816, enr am 945, enr 949 (Chapter 237)
- SB 605**, relative to driving a motor vehicle after license revocation or suspension in another state. (Corrections and Criminal Justice)
new title: relative to driving a motor vehicle after license revocation or suspension.
403, am 826-827, psd 878, S conc 930, enr 953 (Chapter 291)
- SB 606**, authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies. (Public Protection and Veterans Affairs)
297, psd 805, 813, enr 927 (Chapter 172)
- SB 608**, increasing the penalty for certain DWI offenses to include lifetime license revocation. (Corrections and Criminal Justice)
403, am 836-840, psd 878, S nonconc, conf 932, IP 990
- SB 609**, providing extended terms of imprisonment for certain DWI offenses. (Corrections and Criminal Justice)
418, K 827
- SB 611**, relative to the penalty for habitual offenders convicted of driving while intoxicated and home confinement. (Corrections and Criminal Justice)
418, K 804
- SB 612**, relative to the electricians' licensing board. (Executive Departments and Administration)
297, am 722, psd 772, S conc 816, enr 949 (Chapter 238)
- SB 613**, relative to administrative fines for violations of the emergency medical services law. (Health, Human Services and Elderly Affairs)
297, am 725, psd 772, S conc 816, enr 946 (Chapter 209)
- SB 616**, relative to term limitations for members of Congress from New Hampshire.
intro rej (RC) 422-425, recon & intro rej (2 RCs) 499-504
- SB 617**, establishing a committee to study the problem of suicide among young people. (Children, Youth and Juvenile Justice)
297, K 698
- SB 618**, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation." (Children, Youth and Juvenile Justice)
297, am 822-823, psd 878, S nonconc, conf 932, rep adop 959 (K)
- SB 619-FN**, relative to a cost of living adjustment for retired firefighters. (Executive Departments and Administration)
672, K 744
- SB 620-L**, standardizing the form used for abatement applications to municipalities. (Municipal and County Government)
364, psd 701, 714, enr 802 (Chapter 91)
- SB 621**, relative to eligibility for unemployment benefits. (Labor, Industrial and Rehabilitative Services)
671, rem 819, am 876-877, psd 878, S nonconc, conf 932, new conf 985, IP 990
- SB 622**, changing the membership of the board of examiners of psychology and mental health practice. (Executive Departments and Administration)
297, psd 828, 878, enr 927 (Chapter 173)
- SB 625-FN-A**, relative to an in-home care pilot program and making an appropriation therefor. (Health, Human Services and Elderly Affairs)
new title: relative to an in-home care pilot program and relative to community based care and making appropriations therefor.
669, am & Approp 744-745, am 889, psd 926, S conc 930, enr am 991, enr 1008 (Chapter 401)
- SB 626-FN**, abolishing certain state agency positions when current employees have left the positions, unless the general court reestablishes the positions. (Appropriations)
418, K 732

- SB 628-FN**, relative to regulation of youth camps. (Resources, Recreation and Development)
669, psd 730, 772, enr 879 (Chapter 174)
- SB 630**, relative to the New Hampshire industrial heritage commission. (Labor, Industrial and Rehabilitative Services)
297, psd 700, 714, enr 802, appointments 1062 (Chapter 66)
- SB 632-FN-A**, establishing a pilot program to disseminate from the Pease International Trade Center trade information to promote international trade and making an appropriation therefor. (Commerce, Small Business and Consumer Affairs)
672, Approp 738, K 889
- SB 634**, establishing a committee to study and promote the use of non-motorized transportation. (Environment and Agriculture)
297, am 669-700, psd 714, S conc 801, enr 946, appointments 1059 (Chapter 210)
- SB 636**, relative to the public use of coastal beaches for recreational purposes. (Resources, Recreation and Development)
403, am (RC) LT, & S Ct opin req (HR 58) 861-865, study 986
- SB 637-FN**, relative to a pilot program concerning the use of deicing alternatives and making an appropriation therefor. (Public Works)
new title: relative to a pilot program concerning the use of deicing methods and alternatives.
364, am 727-728, psd 772, S conc 930, enr 949 (Chapter 239)
- SB 638-FN**, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections. (Appropriations)
new title: relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections and making a supplemental appropriation to the department of corrections.
297, am (RC) & LT 889-893, am 914-915, psd 926, S nonconc conf 932, rules suspended, rep rej & new conf 959-960, 987, rules suspended 987, rep adop 989, enr am 991, enr 1008, (Chapter 385)
- SB 639**, relative to medical records and the fee for retrieving medical record copies. (Health, Human Services and Elderly Affairs)
671, K 725
- SB 640-FN**, abolishing the advisory board of massage practitioners, establishing a regulatory board of massage practitioners, and specifying the board's duties, rulemaking authority, and fee collection procedures. (Executive Departments and Administration)
671, study 723
- SB 641-FN**, relative to group II retirement system membership for peace officers in the division of safety services. (Executive Departments and Administration)
new title: relative to group II retirement system membership for full-time marine patrol officers in the division of safety services.
212, am & Approp 723, psd 893, 926, S conc 930, enr 1008 (Chapter 334)
- SB 642-FN**, relative to drug-free school zones and creating a special fund for providing and replacing zone signs. (Education)
364, psd 689, 696, enr 696, appointments 1059 (Chapter 28)
- SB 643-FN-A**, relative to examining the feasibility of building a civic/exposition center in Manchester and making an appropriation therefor. (Public Works)
669, K 728
- SB 644-FN-A**, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101. (Public Works)
669, Approp 711, am 893, psd 926, S nonconc, conf 932, rep adop 960, enr 1008 (Chapter 335)
- SB 647**, relative to compulsory attendance. (Education)
418, am 721, psd 772, S conc 801, enr 814 (Chapter 121)
- SB 648-FN**, amending the 10-year highway plan and requiring the department of transportation to construct northbound and southbound entrance and exit ramps on I-93 in the town of Thornton. (Public Works)
669, K 703

- SB 649**, relative to workers' compensation insurance disclosure. (Labor, Industrial and Rehabilitative Services)
364, K 828
- SB 650-FN-A**, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund. (Appropriations)
new title: establishing a committee to study lead base paint abatement and relative to the nuclear decommissioning financing committees.
2nd new title: establishing a committee to study lead base paint abatement, relative to the nuclear decommissioning financing committees and authorizing the housing finance authority to make lead abatement loans.
669, rem 819, am 874-876, psd 878, S nonconc, conf 932, rep adop 960-961, enr am 992, enr 1008, appointments 1059-1060, 1065 (Chapter 386)
- SB 651-FN**, creating a real estate recovery trust fund, to be funded by certain fees. (Commerce, Small Business and Consumer Affairs)
671, K 738
- SB 652-FN-A**, making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families. (Appropriations)
669, psd 733, 772, enr 927 (Chapter 175)
- SB 653**, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council. (Resources, Recreation and Development)
298, am 806, psd 813, S conc 881, enr 949, appointments 1060 (Chapter 258)
- SB 654**, establishing a committee to study the feasibility of instituting a statewide kindergarten program. (Education)
298, K 677
- SB 655-FN-A**, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor. (Resources, Recreation and Development)
669, Approp 753, am 893-894, psd 926, S conc 930, enr am 992, enr 1008 (Chapter 387)
- SB 656**, repealing the chapter regarding subversive activities act. (Judiciary)
298, psd 689, 696, enr 696 (Chapter 29)
- SB 658**, regulating the practice of dental hygiene, including the issuance of licenses and fees. (Health, Human Services and Elderly Affairs)
671, am 726, psd 772, S conc 816, enr am 945, enr 949 (Chapter 240)
- SB 659-FN-A**, relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor. (Resources, Recreation and Development)
669, Approp 730, study 820
- SB 660**, relative to settlements on behalf of minors. (Judiciary)
404, psd 678, 695, enr 696 (Chapter 30)
- SB 663**, relative to wiretapping. (Corrections and Criminal Justice)
418, study 840
- SB 664**, relative to laid off state employees whose positions are federally funded. (Executive Departments and Administration)
671, psd 723, 772, enr am 884, enr 949 (Chapter 241)
- SB 667-FN**, relative to guardians ad litem appointed in child protection cases. (Judiciary)
672, am & Approp 726-727, am 820, psd 877, S nonconc, conf 933, rep adop 962, enr 1008 (Chapter 361)
- SB 668-FN-L**, abolishing the New Hampshire retirement system special reserve account. (Executive Departments and Administration)
364, com changed & recon rej 504, com assignment 674, K (RC) 778-781
- SB 669-FN-L**, relative to creditable service under the retirement system for time during which a person is receiving workers' compensation. (Executive Departments and Administration)
669, Approp 723, psd 894, 926, enr 949 (Chapter 242)

- SB 670-FN**, making technical corrections to the securities laws and relative to fees for securities registration. (Commerce, Small Business and Consumer Affairs)
new title: making technical corrections to the securities laws, relative to fees for securities registration and reinstating the charter of the Union International Corporation.
669, am & Ways and Means 719-720, am & Approp 919, rules suspended 925, am 946, psd & S conc 948, enr am 992, enr 1008 (Chapter 388)
- SB 671-FN-A**, negating the repeal of tax credits against the business profits tax and the investment tax credit. (Ways and Means)
new title: relative to the community development finance authority and investment tax credits.
669, am 920-921, psd 927, S nonconc, conf 933, rep adop 962, enr 1008 (Chapter 336)
- SB 672-FN**, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings. (Science, Technology and Energy)
669, am 730-731, psd 772, S nonconc, conf 883, rep adop 962-963, enr am 992-993, enr 1008 (Chapter 414)
- SB 673-FN**, generally amending certain provisions relating to domestic violence. (Corrections and Criminal Justice)
669, am 759-760, psd 773, S conc 816, enr 949 (Chapter 259)
- SB 674-FN-A**, placing responsibility for dredging projects in tidal waters with the port authority and continually appropriating certain fees to the port authority. (Resources, Recreation and Development)
new title: placing responsibility for dredging projects in tidal waters with the port authority, continually appropriating certain fees to the port authority and compensating the public members of the wetlands board for their services.
669, am & Ways and Means 753-754, am 921, psd 927, S conc 930, enr 953 (Chapter 292)
- SB 675-FN**, permitting the propagation and sale of Virginia white-tailed deer. (Environment and Agriculture)
418, K 721
- SB 676**, relative to equal employment opportunity in the workplace. (Labor, Industrial and Rehabilitative Services)
671, rem 802, LT 812, IP 990
- SB 677**, relative to paternity. (Children, Youth and Juvenile Justice)
404, am 698-699, psd 714, S conc 801, enr am 945, enr 949 (Chapter 260)
- SB 678**, establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means. (Public Works)
364, K 680
- SB 684**, limiting fees charged by companies and lenders for checks drawn on insufficient funds. (Commerce, Small Business and Consumer Affairs)
364, K 831-832
- SB 685**, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership. (Public Protection)
new title: relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; granting municipalities options for fire department financing and property ownership; and changing the bureau of fire standards and training to the division of fire standards and training.
671, rem 718, am & Exec Depts 754-757, am 917-918, psd 926, S conc 930, enr am 993, enr 1008 (Chapter 389)
- SB 686**, reclassifying a portion of Stratham Heights Road in the town of Stratham. (Public Works)
298, am 680, psd 695, S conc 718, enr 798 (Chapter 49)
- SB 687**, relative to the duties of the legislative advisory committee on campaign financing statutes. (Constitutional and Statutory Revision)
672, K 758-759

- SB 688-L**, relative to redemption of property subject to tax liens for the elderly and disabled. (Municipal and County Government)
new title: relative to redemption of property subject to tax liens for the elderly and disabled and inserting certain references with regard to the exemption for the totally and permanently disabled.
 418, am 701-703, psd 714, S nonconc, conf 819, rep adop 963, enr am 993, enr 1008 (Chapter 390)
- SB 690**, establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees. (Education)
 298, am 721, psd 772, S conc 801, enr 879, appointments 1060 (Chapter 176)
- SB 695**, relative to the financial regulation of life and health insurers. (Commerce, Small Business and Consumer Affairs)
 298, psd 804, 813, enr 927 (Chapter 177)
- SB 697-FN-A**, relative to the New Hampshire Industrial Research Center and making an appropriation therefor. (Economic Development)
new title: relative to the New Hampshire Industrial Research Center.
 672, am & Approp 743, am 885-886, psd 926, S conc 930, enr 953 (Chapter 293)
- SB 701-FN-A-L**, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee. (Public Works)
new title: extending a study committee.
2nd new title: extending the duties of the convention center study committee.
 669, am 728-729, psd 772, S nonconc, conf 933, rep adop 963, enr am 994, enr 1008 (Chapter 402)
- SB 702-FN-A**, relative to congregate housing and making an appropriation therefor. (Health, Human Services and Elderly Affairs)
 670, Approp 745, psd 894, 926, enr 946 (Chapter 211)
- SB 703-FN**, creating a university system research development fund. (Appropriations)
 670, K 733
- SB 705**, providing that in domestic cases there shall be a presumption that it is in the best interest of a child to have regular, unsupervised visits with both parents. (Children, Youth and Juvenile Justice)
 418, study 803
- SB 707**, lowering the age of eligibility for a nondriver's picture identification card. (Transportation)
 298, psd 704, 714, enr 802 (Chapter 67)
- SB 708-FN**, permitting the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee. (Wildlife and Marine Resources)
 404, rem 719, rcmt 757, K 831
- SB 709-FN**, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan. (Appropriations)
new title: relative to changes mandated by OBRA, repealing a statute in conflict with the children's health plan, relative to the date on which medical child support orders must begin to include provisions concerning wage assignment, and relative to the appointment and salary of certain employees of the department of health and human services.
2nd new title: relative to changes mandated by OBRA, repealing a statute in conflict with the children's health plan, relative to the date on which medical child support orders must begin to include provisions concerning wage assignment, relative to the appointment and salary of certain employees of the department of health and human services, and relative to the authority of hospice house staff members to administer medication.
 364, com changed 676, Approp 781, rem 885, am 922-924, psd 927, S nonconc, conf 933, rules suspended & rep adop 936-964, enr am 994, enr 1008 (Chapter 403)
- SB 710**, changing the interest rate on delinquent property taxes and subsequent taxes.
 intro rej (RC) 425-427
- SB 711**, relative to small employer and individual insurance. (Commerce, Small Business and Consumer Affairs)
 670, am (RC) 832-835, psd & recon rej 878, S conc 881, enr 953 (Chapter 294)

- SB 714**, relative to personal flotation devices. (Transportation)
298, rem 803, K 812, recon rej 814
- SB 716**, relative to rules governing the the evaluation of bids for the treatment and disposal of contaminated soil. (Environment and Agriculture)
670, am 827, psd 878, S nonconc, conf 933, new conf 964, IP 990
- SB 717**, relative to residency forms and automobile insurance. (Commerce, Small Business and Consumer Affairs)
364, am 835-836, psd 878, S nonconc, conf 933, IP 990
- SB 719**, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan. (Resources, Recreation and Development)
298, am 867-868, psd 878, S conc 930, enr 949, appointments 1060-1061 (Chapter 261)
- SB 722**, relative to petitions for declaratory judgments to determine insurance coverage. (Judiciary)
364, psd 678, 695, enr 696 (Chapter 37)
- SB 723-FN-L**, expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns. (Health, Human Services and Elderly Affairs)
new title: requiring the director of the division of human services to submit a proposal for expanding the emergency assistance program under Title IV-A of the Social Security Act to include certain non-AFDC eligible households.
670, am 781-782, psd 798, S conc 816, enr am 994, enr 1008 (Chapter 404)
- SB 724**, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing. (Transportation)
672, psd 874, 878, recon & am 925, psd 927, S conc 930, enr 953 (Chapter 295)
- SB 726**, changing the title of the division for children and youth services to the division for children, youth and families. (Children, Youth and Juvenile Justice)
298, psd 677, 695, enr am 885, enr 946 (Chapter 212)
- SB 727**, extending the driver attitude training program. (Transportation)
298, psd 704, 714, enr 798 (Chapter 50)
- SB 728-FN-A-L**, providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor. (Appropriations)
670, com changed 676, K 743
- SB 730-FN**, relative to funding for low income and financially disadvantaged utility assistance programs. (Science, Technology and Energy)
670, am 754, psd 773, S conc 816, enr 946 (Chapter 213)
- SB 733-FN**, requiring certification of athletic trainers including fees for certification. (Executive Departments and Administration)
672, rcmt 781, rules suspended & am 841-842, psd 878, S conc 930, enr 949 (Chapter 262)
- SB 734-FN**, relative to fireworks. (Public Protection and Veterans Affairs)
298, am 787-790, psd 798, S conc 817, enr 879, appointments 1064 (Chapter 123)
- SB 736-FN-A**, relative to the taxation of grantor trusts. (Ways and Means)
672, psd 806, 814, enr 879 (Chapter 178)
- SB 740-FN**, relative to employee leasing. (Commerce, Small Business and Consumer Affairs)
new title: relative to employee leasing and making an appropriation therefor.
2nd new title: relative to employee leasing and requiring the department of safety to keep drivers records confidential except for certain reasons and making an appropriation therefor.
3rd new title: relative to employee leasing and making and appropriation therefor to the department of labor.
672, am & Exec Depts 758, com changed 797, am & Approp 921-922, rules suspended 925, am 947-948, psd 948, S nonconc, conf 949, rep adop 964-965, enr am 994, enr 1008 (Chapter 405)
- SB 743-FN**, relative to insurance coverage for children. (Commerce, Small Business and Consumer Affairs)
672, psd 738, 772, enr am 885, enr 946 (Chapter 214)

- SB 744-FN**, establishing a committee to study providing health insurance to the dependents of retired state employees. (Executive Departments and Administration)
670, Approp 809, psd 886, 926, enr 949, appointments 1061 (Chapter 243)
- SB 745-FN**, relative to the maintenance of vegetation obstructing advertising devices. (Public Works)
364, debate limited & K (RC) 790-793, recon rej 798
- SB 747-FN**, relative to lease-purchase agreements. (Commerce, Small Business and Consumer Affairs)
new title: relative to rent-to-own agreements.
670, am 738-743, psd 772, S nonconc, conf 933, rep adop 965, enr am 994-995, enr 1008 (Chapter 406)
- SB 748-FN**, creating interagency family assistance teams for at-risk youths. (Children, Youth and Juvenile Justice)
670, study 803
- SB 749-FN**, relative to the workers' personal care assistance program. (Labor, Industrial and Rehabilitative Services)
364, am & Approp 749, K 894
- SB 750-FN**, relative to the medical examiner and establishing a committee to study the office of the medical examiner. (Executive Departments and Administration)
298, Ways and Means 708, psd 811, 814, enr 927, appointments 1061 (Chapter 181)
- SB 751-FN**, deleting the restriction on the number of hours which part-time assistant attorneys general may work. (Executive Departments and Administration)
298, psd 809, 814, enr 927 (Chapter 179)
- SB 752-FN**, relative to signage on highways and signage fees and continually appropriating a special fund. (Public Works)
new title: relative to signage on highways and signage fees.
364, am & Ways and Means 692-693, am 811-812, psd 814, S conc 930, enr 953 (Chapter 296)
- SB 753-FN-L**, relative to promoting economic self-sufficiency for families receiving AFDC. (Health, Human Services and Elderly Affairs)
new title: relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor.
670, am & Approp 783-784, am (RC) 894-898, psd 926, S conc 930, enr am 995, enr 1008 (S sustained veto)
- SB 754**, directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. (State-Federal Relations)
670, am (RC) 870-874, psd 878, S conc 930, enr 949 (Chapter 264)
- SB 755-FN-A**, allowing business profits tax credits for alternative fuel vehicles. (Ways and Means)
670, K 922
- SB 756-FN-A**, relative to the definitions of "gross receipts" and "public utility" for the calculation of the franchise tax with respect to the sale of gas. (Ways and Means)
672, psd 922, 927, enr 949 (Chapter 263)
- SB 757-FN-A**, relative to an education tax credit against the business profits tax. (Ways and Means)
new title: requiring the house ways and means committee to study the state's tax credit incentives.
670, am 886-887, psd 926, S conc 930, enr 953, appointments 1061 (Chapter 297)
- SB 758-FN**, relative to a civil filing fee surcharge for civil legal assistance to low-income persons. (Judiciary)
new title: relative to civil legal assistance to low-income persons and making an appropriation therefor.
2nd new title: relative to a civil filing fee surcharge for civil legal assistance to low-income persons.
418, am & Approp (RC) 689-692, am (3 RCs) 898-906, psd 926, S nonconc, conf 933, rep adop 965-966, enr 1008 (S sustained veto)

- SB 759-FN-A**, relative to child support and making an appropriation therefor. (Children, Youth and Juvenile Justice)
670, am & Approp 736, am 906-907, psd 926, S conc 930, enr 949 (Chapter 244)
- SB 760-FN-A-L**, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees. (Municipal and County Government)
new title: establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees and relative to the recognition of tax anticipation notes for the purpose of setting property tax rates.
672, Approp 727, am 820-821, psd 877, S conc 931, enr am 952-953, enr 1008 (Chapter 337)
- SB 761-A**, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor. (Public Works)
670, am & Approp 750-751, psd 907, 926, S nonconc, conf 933, rep adop 966-967, enr 1008 (Chapter 338)
- SB 763**, establishing an executive board for community service. (Executive Departments and Administration)
new title: establishing an executive board for national and community service.
672, rules suspended & am 842, psd 878, S nonconc, conf 934, rep adop 967-968, enr am 995, enr 1008 (Chapter 407)
- SB 764-FN**, requiring the department of transportation to maintain and plow an additional one-mile stretch of Tri-Cothic Road in the town of Ellsworth. (Public Works)
672, K 703
- SB 766-A**, making an appropriation to the department of transportation for the construction of sidewalks in the Weirs Beach area. (Public Works)
670, K 703-704
- SB 767-FN**, relative to mental illness coverage under insurance policies. (Commerce, Small Business and Consumer Affairs)
670, Approp 743, psd 907, 926, enr 953 (Chapter 298)
- SB 768-FN**, relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways. (Science, Technology and Energy)
298, am 731-732, psd 772, S conc 931, enr 953 (Chapter 299)
- SB 769-FN**, dividing any budget surplus between the revenue stabilization reserve account and state aid to education. (Appropriations)
670, K (RC) 733-735
- SB 771-FN-A**, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases. (Public Protection)
new title: relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases and making an appropriation therefor.
672, am & Approp 749-750, psd 821, 877, S conc 931, enr 953 (Chapter 300)
- SB 772-FN**, authorizing involuntary civil commitment for certain individuals and making appropriations therefor. (Corrections and Criminal Justice)
670, am & Approp 760-767, am 908, psd 926, S nonconc, conf 934, rep adop 969, enr am 995-996, enr 1008 (Chapter 408)
- SB 773-FN-A**, clarifying the applicability of the real estate transfer tax. (Ways and Means)
418, study 922
- SB 774-FN**, to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor. (Health, Human Services and Elderly Affairs)
new title: to increase the medicaid coverage for all pregnant women and children up to 18 years of age and making an appropriation therefor.
670, am & Approp 708-709, am 908, psd 926, S conc 931, enr am 996, enr 1008 (Chapter 409)
- SB 775-FN**, providing medicaid coverage for adults 18 to 64 years of age. (Health, Human Services and Elderly Affairs)

new title: providing medicaid coverage for adults 18 to 64 years of age and changing the definition of disability for the purposes of eligibility for aid to the permanently and totally disabled.

2nd new title: providing medicaid coverage for adults 18 to 64 years of age; changing the definition of disability for the purposes of eligibility for aid to the permanently and totally disabled and making an appropriation therefor.

670, am & Approp 709, am 908-909, psd 926, S conc 931, enr 953 (Chapter 301)

SB 777, establishing a committee to study health care issues in New Hampshire. (Health, Human Services and Elderly Affairs)
672, K 842-843

SB 779-FN, revising the composition of the health services planning and review board and requiring the development of a state health plan. (Health, Human Services and Elderly Affairs)
672, study 784-785

SB 780, expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions. (Education)
418, psd 677, 695, enr 696, appointments 1061 (Chapter 31)

SB 781-A, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated. (Public Works)
298, am & Approp 680-681, K 821

SB 784, establishing a committee to study alternatives to the secure commitment of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B. (Children, Youth and Juvenile Justice)
404, K 699

SB 785, establishing a committee to review current procedures of the central registry in the department of health and human services. (Health, Human Services and Elderly Affairs)
298, psd 677, 695, enr 696, appointments 1061 (Chapter 32)

SB 786-FN-L, allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire. (Environment and Agriculture)
404, am 700, psd 714, S conc 718, enr 715 (Chapter 33)

SB 787-FN-A, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor. (Health, Human Services and Elderly Affairs)
670, Approp (RC) 785-787, am (RC) 909-912, psd 926, S conc 931, enr 953 (S sustained veto)

SB 788-FN-L, relative to alternative fuel motor vehicles. (Environment and Agriculture)
670, am & Approp 767-771, psd 886, 926, S conc 931, enr 953, appointments 1063 (Chapter 302)

SB 789-FN-A-L, establishing a health care authority. (Health, Human Services and Elderly Affairs)
670, study (RC) 745-748

SB 790, relative to small power producers. (Science, Technology and Energy)
new title: relative to small power producers and establishing a legislative oversight committee to monitor and assess renegotiations between small power producers and Public Service Company of New Hampshire.

672, am 868-870, psd 878, S conc 881, enr 1008, appointments 1062 (Chapter 362)

SB 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire. (Health, Human Services and Elderly Affairs)

new title: making certain appropriations to the department of health and human services.
2nd new title: making certain appropriations to the department of health and human services, establishing a committee to study the feasibility of creating health care provider cooperative agreements, and establishing the New Hampshire health care reform coordinating committee.

670, rules suspended, am & Approp 809-810, am 912-913, psd 926, S nonconc, conf 934, rep adop 969-974, enr am 996, enr 1008, appointments 1062, 1064 (Chapter 410)

- SB 792-A**, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport. (Appropriations)
new title: relative to the Pease development authority, authorizing new bonding authority for the Pease development authority, authorizing certain loans to be made to the authority for use in matching grants, relative to the budget of the Pease development authority, and increasing an appropriation for Skyhaven airport.
 670, am 806-808, psd 814, S nonconc, conf 883, rep adop 974-975, enr 1008 (Chapter 339)
- SB 793-A**, relative to the Pease development authority and making an appropriation therefor. (Appropriations)
new title: authorizing loans to be made to the Pease development authority and establishing a committee to study establishing an entertainment complex at Pease International Tradeport and at other possible sites and making an appropriation therefor.
2nd new title: authorizing loans to be made to the Pease development authority and establishing a committee to study the feasibility of establishing a theme park, convention center, and casino at certain sites and making an appropriation therefor.
 298, am 808-809, psd 814, S nonconc, conf 884, rep adop 976, enr am 996, enr 1008, appointments 1062 (Chapter 415)
- SB 794-A**, making a capital appropriation for highway transportation infrastructure. (Public Works)
new title: transferring highway funds from the municipal bridge aid program to the highway and bridge betterment program and making an appropriation to the highway surplus account and the highway and bridge betterment account.
 670, am & Approp 751-753, am 913-914, psd 926, S nonconc, conf 934, rep adop 976, enr 1008 (Chapter 340)
- SB 796**, allowing the state board of education to solicit funds to implement character and citizenship education. (Education)
 418, am & Approp 707, recon & K 914
- SB 797**, repealing the ability of state agencies to be exempt from the purchase of recycled paper products. (Executive Departments and Administration)
 671, K 723
- SB 798**, increasing the exemption amount from attachment and execution for certain personal property. (Judiciary)
 418, psd 679, 695, enr 696 (Chapter 34)
- SB 799**, eliminating straight ticket voting on the ballot.
 intro rej 676
- SB 800-FN**, relative to the child protection act. (Children, Youth and Juvenile Justice)
 404, am 736-738, psd 772, S conc 881, enr am 996-997, enr 1008 (Chapter 411)
- SB 801-A**, increasing the department of transportation's authority to obtain certain bonds from 5-year bonds to 10-year bonds. (Public Works)
 671, psd 753, 772, enr 802 (Chapter 92)
- SB 802**, relative to real estate appraisers. (Executive Departments and Administration)
 671, psd 828, 878, enr 946 (Chapter 215)
- SB 803**, relative to land surveyor licensing examinations. (Executive Departments and Administration)
 418, am 723-724, psd 772, S conc 817, enr 927 (Chapter 148)
- SB 804**, establishing a committee to study delinquent property taxes owed by condominium unit owners. (Commerce, Small Business and Consumer Affairs)
 298, study 826
- SB 805**, reorganizing and making further amendments to the administrative procedure act. (Legislative Administration)
 672, am 844-845, psd 878, S conc 931, enr am 997-999, enr 1008 (Chapter 412)
- SB 806**, relative to a capital appropriation for repair and restoration of the state house. (Public Works)
 671, am & Approp 711-712, am 821, psd 877, S nonconc, conf 934, rep adop 977, enr 1008 (Chapter 341)

SB 807-FN, allowing the establishment of the Capital Wellness Center, Inc. (Public Works) 672, psd 729, 772, enr 802, recon & am 925, psd 927, S nonconc, conf 934, rep adop 977, enr 1008 (Chapter 342)

SB 809, relative to enacting zoning ordinances in Mountain Lakes District. rules suspended, intro & psd 985-986, 990, enr 1008 (Chapter 363)

SB 810, legalizing the Hanover school district special meeting held June 8 and 9, 1994. (Hough, Dist 5, et al)

rules suspended (RC), intro, psd & enr 1038-1040 (Chapter 416)

1994 Session

SENATE JOINT RESOLUTION

SJR 1, proclaiming 1993-1994 as university of New Hampshire year. (Education) 672, psd 707, 714, enr 802 (Chapter 93)

1994 Session

SENATE CONCURRENT RESOLUTION

SCR 10, to request Congress to allow all states east of the 100th meridan to regulate the export of unprocessed logs. (State-Federal Relations) 298, adop 830, 878

CONSTITUTIONAL AMENDMENTS CONCURRENT RESOLUTIONS

1993 CACRs RE-REFERRED TO COMMITTEE BY HOUSE

CACR 3, relating to mandated programs. Providing that "the state" shall include the state legislature or any state regulatory agency. K 36

CACR 7, relating to establishing a statewide referendum procedure for the repeal of state statutes. Providing that citizens of New Hampshire may directly repeal state statutory provisions by referendum. K (RC) 101-104

CACR 11, relating to summary incarceration in criminal contempt cases. Providing that criminal contempt defendants shall be specifically included in Part I, Article 15 of the New Hampshire constitution. K 105

CACR 12, relating to citizen-proposed legislation, constitutional amendments and statutory provisions. Providing that citizens of New Hampshire may directly propose legislation and constitutional amendments by initiative petition, and approve or reject statutory provisions by referendum. study 105

1994 Session

CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

CACR 26, relating to amending the New Hampshire constitution to provide that registers of probate be appointed instead of elected. Providing that registers of probate shall be appointed instead of elected. (D. Sytek, Rock 26, et al, to Constitutional and Statutory Revision) 28, K 191

CACR 27, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. (Hemon, Straf 11, to Judiciary) 28, rem 245, K 292-293

CACR 28, relating to compensation for members of the general court. Providing that members of the general court shall receive 25 percent of the state's average annual salary, as determined during the previous biennium, for the term elected, and shall receive the usual mileage rate for actual daily attendance on legislative days. (Hemon, Straf 11, to Constitutional and Statutory Revision) 28, K 224-225

- CACR 29**, relating to requiring that the attorney general be elected. Providing that the attorney general be chosen biennially in the general election. (Hemon, Straf 11, to Constitutional and Statutory Revision)
28, K 225
- CACR 30**, relating to executive council members' compensation. Providing that each member of the executive council shall receive \$200 for the term elected, and shall receive the usual legislative mileage allowance for actual daily attendance at council meetings. (Newman, Rock 4, to Constitutional and Statutory Revision)
28, K 187
- CACR 31**, relating to the appointment of county attorneys by the governor. Providing that beginning in 1997, county attorneys shall be appointed by the governor instead of elected, and shall serve under the direction of the attorney general. (Newman, Rock 4, to Constitutional and Statutory Revision)
28, K 187
- CACR 32**, relating to biennial legislative sessions, legislative compensation, and special legislative sessions. Providing that the general court shall meet biennially and at such other times as the senate and house deem necessary; that presiding officers shall no longer receive the extra \$50 compensation but may receive extra payment for services; that the number of days for which members may receive mileage shall be 3 days per week or 90 days per year; and that 2 sections that permit the governor to adjourn the legislature or to call special sessions shall be repealed. (R. Campbell, Belk 4, to Legislative Administration)
28, K 533-534
- CACR 33**, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. (N. Young, Belk 7, et al, to Constitutional and Statutory Revision)
28, K (RC) 191-194
- CACR 34**, relating to the membership of the senate and house of representatives. Providing that beginning with the general election in 2002, membership of the senate shall be increased by 25 percent, and membership of the house of representatives shall be decreased by 25 percent. (Below, Graf 13, to Constitutional and Statutory Revision)
28, K 225
- CACR 35**, relating to gender-specific language. Providing that all references to people in the constitution shall be gender neutral. (Gilmore, Straf 11, et al, to Constitutional and Statutory Revision)
28, K (RC) 225-228
- CACR 38**, relating to term limits for certain federal and state offices. Providing that the terms of office for the members of the United States congress from New Hampshire shall be limited to 12 years, and for the members of the New Hampshire house and senate shall be limited to 10 years. (Cohen, Dist 24, et al)
intro rej (RC) 428-430

HOUSE JOURNAL

SUBJECT INDEX

This index refers to bills and resolutions by number. Other subject matter is indexed to page numbers.

The numerical index preceding this index gives page references for all action on numbered bills and resolutions.

A

Abortion , access to medical care, unlawful interference and harassment, penalties	HB 1225
Accidents , skiing laws, study	SB 521
Accountancy board statute revised	HB 1194
Accountants	
certified public, experience and continuing education requirements; reconsideration	SB 33
notification to clients if no malpractice insurance is carried	HB 1437
Acid rain control act , administrative fines	HB 1346
Actions and proceedings	
child abuse or neglect cases	
burden of proof, beyond a reasonable doubt	HB 1281
hearsay evidence excluded	HB 1373
civil	
entry fee surcharge to NH Legal Assistance for civil representation	
of low-income persons	SB 758
recreational activities, acceptance of risks	HB 1387
suits involving DWI, enhanced damages	HB 1253
claims against state and agent, court to determine responsibility and	
whether action will proceed against agent	HB 1113am
fireman's rule rejected	HB 401
habeas corpus writ filed in superior court of the county in	
which person is imprisoned	HB 1176
medical malpractice damage amount capped, study	HB 1389
small claims, representation of partnerships, trusts, and limited	
liability companies by non-attorneys, written authorization clarified	HB 1349am
Acupuncture , naturopathic health care	HB 451
Administrative procedures	
act reorganized	SB 805
fire standards and training commission, certain educational, training,	
and curriculum standards exempt	SB 685
rules	
fee for copying public records limited	HB 1537
fees defined; purposes; costs; fiscal impact statement	HB 652
need not be followed by mental health and developmental services	
director when establishing uniform rates for expenses of patients	
at NH hospital and Glenclyff home for the elderly	HB 1118
proposed, preliminary objections; joint resolution, action by general court	HB 686
public utilities uniform system of accounts exempt from format	
standards of <i>Rulemaking Manual</i>	HB 1263
publications adopted by reference, one copy must be deposited	
with state library	HB 1448
supreme court, adopted in compliance with notice and hearing requirements	HB 1489
state agency hearings	
motions for rehearing, time extended	HB 1157
rescheduled when any party has a conflicting appearance; rulemaking	HB 1490
Administrative services	
commissioner to determine best use of <i>Union Leader</i> building	HB 1446
cost containment unit, repayment schedule of attorneys' fees and	
expenses for indigent defendants	SB 548

Administrative services (cont.)

- financing gubernatorial transition; appropriation HB 1580
- Plymouth district courthouse, construction and furnishing appropriation, bonds HB 1571am
- purchase of materials and supplies, fish and game executive director exempt HB 1112
- risk management bureau, assistance to workers' compensation commission;
 - claims board administratively attached HB 1585
- state agency expenditure estimates to include workers' and
 - unemployment compensation costs HB 1179
- state contracts, general liability insurance amounts changed; rulemaking HB 583

Adoption, parental rights terminated in another country, consent to adoption not required;

- adoption finalized in another country, validation, acceptable evidence SB 559

Advertising, outdoor. See: Outdoor advertising**Aeronautics**

- division, aviation users advisory board, membership increased HB 1169
- fund and airways tolls to transportation fund, use specified HB 257am

Aerosol self-defense spray weapon defined, use against police or in

- committing a crime prohibited, penalty HB 1236

Agriculture**commissioner**

- 4 year term HB 677am
- cats, licensing; form of identification, rulemaking SB 586am
- motor fuel standards for quality, additives, and grading, rulemaking HB 1485
- native lumber, standards for mill graders, rulemaking; administrative fines HB 1468
- weights and measures provisions changed HB 134

department

- abolished; duties transferred to natural resources department HB 1295
- aquaculture, responsibility shared with fish and game, study HB 1327
- cattle, vaccination against brucellosis discretionary HB 106
- cider labeling standards HB 195
- inspection of facilities of humane societies without animal shelters HB 1304am
- licensing and inspection of animal boarding facilities HB 1205
- pesticide control division, concurrence with pesticides control
 - board rulemaking SB 524
- pet population control fund from tax on pet products HB 1549
- northeast interstate dairy compact, appointment of NH delegates HB 1108
- purposes, OHRV's exempt from registration fees HB 586

AIDS

- disclosure that property was inhabited by person having AIDS not
 - required in sale of property HB 389

HIV

- education handbook, publication by state board of education required HB 1325
- person infected, identity may be disclosed to blood banks
 - by public health services SB 576
- testing after third conviction for prostitution HB 1235
- testing of persons convicted of sexual assault, notification of
 - victim and victim/witness office HB 1190
- prevention
 - pilot needle exchange program HB 1532
 - sale of hypodermic syringes without prescription; safe disposal and
 - information on drug addiction treatment HB 1483

Air conditioning, building aid grants for year-round schools HB 1146**Air pollution**

- Clean Air Act amendments and implementation study HB 1189
- control
 - act, administrative fines HB 1346
 - municipalities exempted from fees HB 676
- emissions inspection and maintenance program, governor may add or remove counties HB 1224
- indoor air quality in public facilities, investigations by public
 - health services; study HB 1568

Air pollution (cont.)

motor vehicle fleet operators required to purchase certain percentage of inherently low emission vehicles	SB 788
Ozone Transport Commission urged not to recommend that EPA mandate ozone reduction and air quality programs without prior state legislative authorization	HR 42am
radioactive releases from nuclear power plants, public notification	HB 1149
vehicles manufactured to California emission standards, sale authorized	SB 786

Air quality projects planning study, advisory committee	HB 1367
--	----------------

Air resources

Clean Air Act compliance, state aid to municipalities	HB 1358
director, procedure for presenting proposed rules	HB 192

Air toxic control program, definitions; rulemaking; administrative fines	HB 1346
---	----------------

Aircraft, aerial pesticide spraying in residential areas or

near buildings, notification	SB 591
------------------------------------	--------

Airports, aircraft operating areas included in open space land	HB 1302
---	----------------

Alcohol and drug abuse prevention office

allocation from health care transition fund	SB 791am
residential treatment program for substance abusing women and their children	HB 459

Alcoholic beverages

agency stores, Center Harbor	SB 600
definitions; licenses, veterans and social clubs, supplemental, for 9 events, fee; restrictions on Sunday sales removed	SB 594am
driving while intoxicated. See: Motor vehicles, DWI licenses	

full service restaurants and hotel full service restaurants,

food sale requirements reduced	HB 1321am
--------------------------------------	-----------

on sales, video lottery games

SB 162

liquor commission employees may not hold elected state or local office	HB 1172
--	---------

malt sale by keg to general public restricted	HB 1312
---	---------

supplemental tax to fund kindergarten	HB 1520
---	---------

manufacturers, distributors, or vendors, placement and display of

product; no payment to licensees	HB 1336am
--	-----------

SB 594am

price increased; percentage of tax revenue to kindergarten fund	HB 1520
---	---------

sales privatized; enforcement by safety department; liquor commission

responsible for licensing	HB 1547
---------------------------------	---------

wine, transporting opened containers allowed, conditions	HB 377
--	--------

Alpine Lake, Wolfeboro, name changed from Upper Beach Pond, law repealed	SB 553
---	---------------

Alton, Camp Alton property acquisition for state park, study	SB 547am
---	-----------------

Alzheimer's disease, respite care services, appropriation	SB 652
--	---------------

Animals

boarding facilities, licensing and inspection	HB 1205
cruelty to	

killing police dog or horse, class B felony	HB 1188
---	---------

penalties increased	SB 585
---------------------------	--------

domestic, trappers liability limited for injury	SB 529
---	--------

shelters, licensing humane societies without animal shelters;

inspection of facilities	HB 1304am
--------------------------------	-----------

wildlife management habitat stamps, purchase required with fish and

game licenses; donations	HB 1475
--------------------------------	---------

Antennas and amateur radio towers not taxable as real estate	HB 1380
---	----------------

Apple, Rep. Lowell D., res on death	HR 40
--	--------------

Apples, cider labeling standards	HB 195
---	---------------

Appropriations

- capital improvements SB 598
 - 1993, lapse dates extended SB 598
 - 1993 total and bonds reduced HB 1571am
 - budget replaced by separate capital expenditure bills HB 1544
 - separate legislation for each project or agency; limit on spending HR 47
- operating budget
 - revenue returned to cities and towns included; distribution formula SB 234
 - state agency expenditure estimates to include workers' and
 - unemployment compensation costs HB 1179
 - surplus, 1/2 to revenue stabilization reserve account and 1/2 to foundation aid SB 769

Aquaculture

- oysters SB 708
- responsibility allocated between fish and game and agriculture department, study HB 1327

Arbitration, new motor vehicles

- definition; member added to board; times changed; limitation of actions HB 1117
- limitation of actions; resale of vehicle found to be defective prohibited HB 1420
- separate board for recreational vehicles, study HB 1154am

Archery

- crossbows, felonious use, penalty HB 688
- hunter's name and address not required on arrows HB 1137
- licenses, deer hunting, additional may be taken HB 1144

Architects, notification to clients if no malpractice insurance is carried HB 1437**Armed forces**

- atomic veterans, urging recognition by federal government, including
 - disability benefits and a medal HCR 27
- POW/MIAs from Vietnam War, urging declassification and dissemination of
 - documents; appointment of special prosecutor; and opposition to
 - normalization of diplomatic relations HR 54
- reserves, special number plates SB 226

Arson, historic structures, penalty HB 1180am**Art therapists, certification by psychology and mental health practice board HB 1384****Asbestos management and control, administrative fines HB 1346****Asphalt pavement containing recycled rubber, transportation department
may not reject competitive bid HB 1273****Assault on a police officer, penalty HB 1126****Assisted suicide, death with dignity act HB 395****Athletic trainers, certification SB 733****Athletics, amateur, study HB 1427****Atlantic Ocean, coastal beaches defined, public access SB 636****Atomic veterans, urging recognition by federal government, including
disability benefits and a medal HCR 27****Attachments**

- exemption amounts increased for household furniture, tools, and automobile SB 798
- pension money, retirement and profit-sharing benefits exempt, exceptions HB 1287

Attorney general. See also: Justice department

- charitable trust directors and officers, reasonable compensation for services rendered HB 1519
- elected at general election CACR 29
- guidelines and report on drug offense forfeiture HB 660
- membership on legislative ethics committee repealed HB 1578
- opinions published in *Rulemaking Register* SB 805
- part-time assistants, weekly hours limitation removed SB 751
- payment of witness fees in criminal cases HB 1335
- private property rights preservation, guidelines for taking HB 1486
- recommendations regarding unified system of criminal prosecution HB 1550

Attorney general (cont.)

- supervision of state attorneys, prosecution of criminal offenses at county level HB 1487
- to pursue settlement of NH-ME border dispute concerning Portsmouth
Naval Shipyard and inner harbor SB 754

Attorneys

- civil representation by NH Legal Assistance of low-income persons;
funded by civil action entry fee surcharge SB 758
- employed by state, NH Bar Association dues paid by state HB 1408
- indigent defendants, fees and expenses, repayment schedule from
cost containment unit SB 548
- notification to clients if no malpractice insurance is carried HB 1437

Auctioneers board

- continuing education appropriation nonlapsing HB 1566am
- membership increased SB 43

Auctions, buyer's premium, disclosure required HB 1248am**Auditor, optional elected office, procedure for discontinuance HB 1206****Augenblick formula. See: Foundation aid****Automotive oil fee, to fund used oil collection center grants and educational program HB 260am**

Automotive recycling dealers, name changed from motor vehicle junk dealers;
 number of plates furnished by safety department increased HB 1313

Autopsies, chief medical examiner may order; homicide autopsy
 reports to justice department only SB 750

Aviation

- fuel tax repealed HB 1563
- users advisory board, membership increased HB 1169

B**Bad checks, evidentiary requirement changed HB 1317****Bail and recognizances, commissioners' fees increased SB 507**

Bailiffs, superior courts, state to pay certain costs; per diem
 compensation study HB 1300am

Bakeries, groceries defined, sale excluded from taxable meal under
 meals and rooms tax HB 576

Ballot law commission, approval of voting machines HB 1498**Banks**

- certain retirement plans, seizure, setoff or attachment limited; legal process required SB 561
- commission, small loan license fund name changed to consumer credit
administration fund HB 1142
- commissioner
and deputy, 4 year terms HB 677am
- availability of foreign currency exchange services, list;
publication for international tourists HB 1510
- cashers of checks and issuers of money orders licensed HB 1145
- charter conversions, rulemaking HB 1193am
- confidentiality of consumer complaints; reports required by banks and credit unions;
technical amendments; certain stockholder liability repealed HB 1203
- consumer credit providers; regulation, license requirements; surrender of license HB 1142
- deputy, salary changed HB 1290
- examination of non-depository lenders and brokers, payment of costs HB 1580am
- replaced on retirement system board of trustees by state treasurer HB 1290am
- franchise tax HB 1418
- investment committee alternatives HB 1339
- loans to executive officers or directors, compliance with state or federal regulations SB 549
- mortgage loans
applications, fee for hazardous waste site assessment, applicant
allowed to select firm from list supplied by the bank HB 1347

Banks (cont.)

mortgage loans (cont.)

- applicant may pick appraisal firm from list supplied by bank HB 1150
- national, out of state, appointment as trustee or executor, reciprocity HB 1203am
- public deposit investment pool, city treasurer's investments through
 - third party money managers HB 1265
- sale of notes, disclosure of sale price HB 1344
- trusts funds, affiliated investments authorized SB 590

Barbering, cosmetology, and esthetics board, member added HB 1264

Barbers, independently operated booths not required to have separate sinks SB 510

Bass, striped, state saltwater game fish HB 1438

Beaches, coastal

- defined, public access SB 636
- public use HB 1257

Bear, illegal taking or possessing, penalty increased HB 1284am

Bear Brook State Park, Family Camping Museum relocated; DRED maintenance facility removed SB 659

Bedell state park, access road, upgrade by transportation department; appropriation HB 1501

Beer. See: Alcoholic beverages, malt

Belknap county commissioners, method of election changed HB 1167

Bicycle trail network, study SB 634

Billboards. See: Outdoor advertising

Bills and resolutions

- capital budget replaced by separate capital expenditure bills HB 1544
- fiscal note for impact on corrections system; exemption for bills changing
 - penalties repealed HB 1404
- gender neutral language in drafting required HB 387
- joint resolution sponsored by joint committee on administrative rules
 - to block proposed rules HB 686
- sponsor's statement of original intent HB 1297
- state legislation not to preempt town ordinances unless such intent is expressly stated HB 1365

Bingo

- charitable organizations operating, spouses of members may assist HB 1133
- statewide program HB 517

Births, affidavit of paternity, procedures SB 677

Blind services, education department, name changed to career technology and adult learning; rulemaking transferred to board of education HB 1524

Blood banks, disclosure to by public health services of identity of persons infected with HIV SB 576

Blood donors, notification to Red Cross if recent blood donors have certain communicable diseases HB 1249

Boats

access to

- public waters, preliminary approval of public water access advisory
 - board required before any construction of access areas HB 1261
- Squam Lake, study SB 719am
- commercial, documentation required; exempt from NH registration fee HB 1535
- federal deepwater shipping channel of the Piscataqua River, reduced
 - speed requirements exemption HB 1436
- fees repealed HB 1563
- joint registration of vessel and its tender; tidal waters, Coast Guard
 - equipment requirements HB 610am
- mooring permit applications, proof of registration or ownership of
 - boat, requirement repealed HB 1168

Boats (cont.)

motor

and certain others, personal flotation devices required at certain times of year	SB 714
certain motorized craft prohibited on Spoonwood Pond in Nelson	HB 1151
electric powered allowed on all lakes, except on public water supplies, study	HB 1362
undocumented, issuance of titles, study	HB 1208
overnight use, notification required; discharge of sewage prohibited	SB 129
personal flotation devices for children, exception when in enclosed cabin area	HB 1436
public water supply, contact with water allowed at certain times when boating	HB 1240
tax inventory blanks to require information regarding storage and payment of fees	HB 1279
water skiing, American Water Ski Association event, non-Coast Guard approved personal flotation devices allowed	HB 1509

Bodily injuries, obstructing report, penalty	SB 517
---	---------------

Boilers, hot water, certain exempted from inspection	HB 1565
---	----------------

Boisselle, Father Amie, guest chaplain	716
---	------------

Bonds

revenue

Brown building renovations	HB 1571
chartered towns with council form of government, authority to issue bonds and notes	SB 537
Eastern NH turnpike, easterly approach from Scammell bridge, design and construction	HB 1518
highway and bridge construction	SB 794
municipal or county, authentication requirements	SB 564
Pease development authority	SB 792
	SB 793
Plymouth district courthouse	HB 1557
	HB 1571am
Port of Portsmouth expansion, 1991 and 1993 appropriation combined	SB 536
railroad rehabilitation	SB 761
route 12 bypass around Troy, and reconstruction of bridges over Connecticut River in Chesterfield	HB 647
Skyhaven airport	SB 792am
state veterans cemetery	HB 1523am
supreme court administrative office building design	HB 1553
transportation department equipment inventory fund, 10 year bonds	SB 801

surety

child abuse reporters or informants	HB 1530
probate judge may accept other form of security from administrators of estates	HB 1256
real estate inspectors	HB 1286
state officials and employees, board of approval repealed	HB 1585
tobacco wholesalers	HB 1141

Bovine somatotropin growth hormone, milk products containing, labeling required	HB 1583
--	----------------

Bow and arrow

deer hunting, additional deer may be taken	HB 1144
hunter's name and addresss not required on arrows	HB 1137
special hunting license for elderly	HB 1140

Bridges

10 year transportation plan	HB 1010
betterment programs purpose modified; adequate maintenance of non federal aid system; report	HB 661am
carrying capacity of construction and reconstruction using bridge aid funds; bridges in two municipalities, mutual agreement on costs	HB 1217
covered, historic structure, arson; minimum mandatory sentence	HB 1180
funds transferred from municipal bridge aid to highway aid bridge betterment program; highway surplus account and highway and bridge betterment, appropriation	SB 794am
route 9 and route 119 bridges crossing Connecticut River, Chesterfield, reconstruction appropriations, bonds	HB 647
state aid, priority; use of insurance funds; apportionment of betterment funds	HB 1529

C

Cable television

charge for more than one connection per residence prohibited	HB 403
consumer choice in subscribing to channels	HB 1393

Cable television (cont.)

consumer protection advisory board, regulation of rates and charges	HB 1558
converter box, requirement limited; scrambling devices, conditions	HB 1342
rates regulated by PUC and towns	HB 350
urging assurance of widespread programming availability and retransmission consent	HR 45
urging Congress to support consumer choice in cable television and telephone service	HR 49am

California new motor vehicle emission standards

implementation study	HB 1189
sale of vehicles manufactured to standards authorized	SB 786

Callahan, Leo, Acting clerk

remarks on decision to remain as deputy clerk	1016-1017
staff member of the year	951

Camp Alton property acquisition for state park, study SB 547am**Camps, recreational**

redefined	HB 1103
rulemaking by WSPCD, consultation with public health services	SB 628

Canoes, personal flotation devices required at certain times of year SB 714am**Capital Wellness, Inc., formed by Technical institute and Concord Hospital** SB 807**Capital improvements appropriations**

1993	
lapse dates extended	SB 598
total and bonds reduced	HB 1571am
budget replaced by separate capital expenditure bills	HB 1544
separate legislation for each project or agency; limit on spending	HR 47

Carson, Lily, calendar clerk in House Clerk's office, employee of the month 403**CASA, court appointed special advocate guardian ad litem for children** SB 667**Casino**

gambling, referenda questions	HB 1160
theme park, and convention center, feasibility of establishing, study	SB 793am

Cassavechia, Gary R., Strafford county probate judge, urging impeachment proceedings HR 46**Cats**

companion animal population control fee	HB 1201
licensing, local option	SB 586
tax on pet products to fund spay/neuter programs	HB 1549

Cattle, vaccination against brucellosis discretionary HB 106**Cemeteries chapter recodified; protection of old cemeteries** HB 1228**Cemetery, veterans, construction appropriation; oversight standards** HB 1523**Center Harbor agency store, appropriation** SB 600**Centers for Disease Control and Prevention, recommendations regarding**

hypodermic syringes adopted	HB 1483
-----------------------------------	---------

Central NH turnpike, Merrimack, certain southbound tolls eliminated HB 1271**Certificate of need**

policy clarified, collaboration among providers encouraged; health	
services planning and review board, members changed	HB 1158
standards required for any increase in beds; exemption repealed	HB 1482

Chandler, James A., House Clerk, res on death HR 56**Charitable corporations, assets \$750 or less, exempt from recording fee** HB 1275**Charitable organizations**

definitions; tax exemption limited	
core service charges	HB 1481
to direct use	HB 1484
operating bingo games, spouses of members may assist	HB 1133
tax exempt, sale of property to or by, pro-rated share of taxes for the year	SB 596

- Charitable trusts, directors and officers, reasonable compensation for**
 services rendered HB 1519
- Charter schools study** HB 599am
- Charters**
 amended
 Keene union school district HB 1293
 St. Mary's Bank HB 1193
 reinstated, Union International Corporation, Manchester SB 670am
- Checks**
 bad, evidentiary requirement changed HB 1317
 cashers licensed HB 1145
 insufficient funds, fees limited SB 684
 protested, relating to drivers' licenses, collection, safety commissioner rulemaking HB 1101
- Chemicals other than salt, use on highways, study** HB 319
- Chesterfield, bridges over Connecticut River, reconstruction appropriation, bonds** HB 647
- Children**
 abused
 limitation of civil actions; study of civil damages HB 1465
 reports by domestic violence counselors, exception for certain minors SB 673am
 abused or neglected
 burden of proof beyond a reasonable doubt HB 1281
 central registry, study SB 785
 court appointed special advocate guardian ad litem SB 667
 definitions; emergency interim relief; removal of alleged
 perpetrator from home; hearing procedure SB 800
 definitions; reports, credibility verification; confidential reports
 not submitted as evidence or used as sole source for any action HB 1280
 hearsay evidence excluded HB 1373
 reporters or informants, surety bond; liability HB 1530
 accident and health insurance, insurer may not deny enrollment under parent's
 health care coverage; medical child support assignment of wages SB 743
 affidavit of paternity, procedures SB 677
 and youth services
 abuse and neglect, central registry, study SB 785
 name changed to children, youth, and families division SB 726
 records not confidential HB 1131
 settlement and family support services, supplemental appropriations HB 1050am
 youth development center, accounts established for residents; interest
 on pooled and individual accounts, how handled HB 1543am
 assistance, interagency family assistance teams SB 748
 custody, unsupervised visits with both parents presumed to be in best
 interests of the child SB 705
 day care
 advisory committee established HB 1177
 licensing policies, study SB 580am
 licensing regulations, municipal recreation programs exempt HB 1429
 dependent, aid to families
 additional employment support; shelter and maintenance components
 combined; self-employment investment program expanded SB 753am
 payment in lieu of child support payment arrearages HCR 5
 supplemental appropriation HB 1050am
 disabled, advisory and oversight committee on the education of children
 with disabilities HB 1288
 family day care home a valid residential use HB 280
 medical assistance for infants, conflicting provision repealed SB 709
 needy, non-AFDC families, emergency assistance program; local
 payments matched by federal funds SB 723
 poverty level to age 18, medicaid coverage increased SB 774
 public assistance, creation of support debt, liability of parent, limitation of debt HB 1147
 seat belts required to age 18 HB 1223

Children (cont.)

suicide problem, study	HB 1343am SB 617
support	
enforcement orders payable through human services division, employer	
and health insurance information required	HB 1114
notice and service requirements; certain payments made to human services division	SB 90
office of enforcement not to collect support debt if family has reunited;	
additional staff, appropriation	SB 759
treatment by courts in marital and domestic violence disputes, study	HB 285

Chiropractic board funds transferred	HB 178am
---	----------

Cider, standards for labeling	HB 195
--	--------

Cigarettes

tax repealed	HB 1563
tobacco stamps eliminated; returns; surety bonds	HB 1141

Cities

central business service districts, more than one authorized	SB 528
computer-based geographic information systems may be established; financing; fees	HB 1411am
council/manager form of government, planning board members appointed, method	SB 566
eminent domain, land for conservation purposes	HB 1310
group health insurance plans, open to any resident at own expense	HB 1564
officers	
positions incompatible with any county office	HB 1307
term limits prohibited	HB 1229
school budgets prepared by certain date	HB 525
treasurer, investments through third party money managers	HB 1265

Civic/exposition center, Manchester, feasibility, appropriation	SB 643
--	--------

Civil commitment of sexually violent offenders after completion

of criminal sentence, procedure	HB 1540
---------------------------------------	---------

Civil Rights Day, name changed to Martin Luther King, Jr. Civil Rights Day	SB 595
---	--------

Civilian Conservation Corps camp at Bear Brook State Park, protection	SB 659
--	--------

Claims

against NH, brought against state and agent, court to determine	
responsibility and whether action will proceed against agent	HB 1113am
board	
administratively attached to administrative services department	HB 1585
annual report provided by secretary of state	HB 1566am
legislative members, additional terms authorized	SB 527
small, against health and human services department, settlement by commissioner	SB 541

Clams

and clam worms	
regulation of taking transferred from fish and game to municipalities	HB 670
waters, monitoring, rulemaking	HB 211
illegal taking, penalty	HB 1143
recreational and commercial licenses, fees; exception for elderly	HB 1517
wardens, employment by fish and game executive director	HB 1554

Clean Air Act

amendments and implementation study	HB 1189
compliance, state aid to municipalities	HB 1358
emissions reduction credits trading program reenacted; advisory committee	HB 1515

Clean fuel fleet advisory committee	SB 788
--	--------

Clerk, House, James A. Chandler, res on death	HR 56
--	-------

Climate control, building aid grants for year-round schools	HB 1146
--	---------

Coastal beaches

defined, public access	SB 636
public use	HB 1257

Cocaine, crack , defined; penalties	HB 1107
Cocktail lounges , transporting opened containers of wine allowed, conditions	HB 377
Colburn , Marge, administrative assistant on Sergeant-at-arms staff, employee of the month	815
Cole , Rep. Stacey W., remarks in praise of Speaker Burns	1046
Colleges and universities , sexual assault and harassment study, membership increased and date extended	SB 780
Committee re-referrals	
AFDC payments in lieu of child support payment arrearages	HCR 5
air resources director, procedure for presenting proposed rules	HB 192
auctioneers board membership increased	SB 43
bingo, statewide program	HB 517
boats, overnight use, notification required; discharge of sewage prohibited	SB 129
buildings with truss construction, emblem required as aid to firefighters	HB 523
business finance authority equity investment program	HB 170
business profits tax credit for investment in research and development	SB 236
bypass around Troy and reconstruction of bridges over the Connecticut River, study	HB 647
cable television	
charge for more than one connection per residence prohibited	HB 403
rates regulated by PUC and towns	HB 350
campaign contributions, coercion of employees by business organization prohibited	HB 404am
cattle, vaccination against brucellosis discretionary	HB 106
certain state agency commissioners to serve 4 year terms	HB 677am
certified public accountants, experience and continuing education requirements	SB 33
child support, notice and service requirements	SB 90
cider labeling standards	HB 195
city school budgets prepared by certain date	HB 525
closed-course competition OHRVs and trail bikes, equipment required	HB 210am
common carrier bureau revenues deposited in highway fund	HB 257
county taxes, study	SB 27
court treatment of women and children in marital and domestic violence disputes, study	HB 285
criminal contempt, same protections as other criminal defendants	CACR 11
crossbows, felonious use, penalty	HB 688
deadly force, justification	HB 167
death with dignity act	HB 395
deer hunting in Rockingham county east of I-95 limited	HB 527
diesel fuel taxed at the pump	HB 659
district court system, study	HB 386am
domestic violence protective orders, reciprocity with other states	HB 545
DRED rights over abandoned railroad lines for statewide trail system	HB 190
drug forfeitures limited	HB 660
education voucher program	HB 599
educational costs of children placed in homes and health care facilities, sending district liability	HB 155
elderly tax exemption retained when home is placed in living trust	HB 325
elections	
ballot format changed	HB 449
candidates, one party only	HB 531
checklists produced by data processing center, study	HB 634
hours of polling changed, local option	HB 411
hours of polling extended by petition	HB 145
political committee reporting requirements; date changed	HB 541
straight ticket voting eliminated	HB 520
various dates changed; definitions	HB 514am
emergency legislative interim succession act repealed; study of political expenditures and contributions	HB 510am
engineers board	
amendments	HB 439
compensation for counsel and investigators	HB 203

Committee re-referrals (cont.)

environmental services	
administrative fines, municipalities exempt	HB 678
certification of soil and wetlands scientists	HB 624
executive branch reorganization statute repealed	HB 421
family day care home a valid residential use	HB 280
fire extinguishers, required equipment in certain vehicles	HB 630
firefighters, retired, cost of living adjustment	HB 414
fireman's rule rejected	HB 401
fireworks, consumer, class C sales and use, local option	HB 625am
flammability testing of seating furniture in public buildings	HB 569
foundation aid	
distribution formula changed	HB 193
formula augmented by medicaid enhancement fund	HB 491
gambling, keno authorized; pari-mutuel tax and distribution changed;	
study of marketing strategies and consumer attitudes	HB 691
gender neutral language in drafting bills and resolutions required	HB 387
group II policemen, disability retirement, medical benefits for those	
who became members between 1988 and 1991	HB 656
handgun sales, criminal history record check and protective order check	
by single premium telephone call	HB 438
highways	
and bridge betterment programs purpose modified; adequate maintenance of	
nonfederal aid system; report	HB 661am
class IV, V, or VI, discontinuance, notice to abutting owners removed	HB 680
use of sand or chemicals other than salt, study	HB 319
house of representatives, candidates to file declaration of candidacy	
with secretary of state	HB 632
housing finance authority loans to residential care homes for fire safety equipment	SB 230
inheritance tax, joint ownership, exemption	SB 144
initiative and referendum	CACR 12
insurance, accident and health, small employer access statute revised	HB 341am
insurers may not require mail order or specific pharmacy	HB 526
interest rates on judgments and business transactions changed	HB 382
land surveyors, proprietorships, corporations or partnerships, certificates of authorization;	
administrative fines; nonresident corporations, restrictions	SB 149
land use change tax penalty assessment for land which changes more	
than once in ten years	HB 570
landfills, unlined, closures, grant program to aid municipalities	HB 317am
landowner liability limited if land is used for outdoor educational purposes	HB 480
landscape architects, certification	SB 165
local government advisory committee	HB 370
luring minors, penalty	HB 267
manufactured housing parks, board to address park rules	HB 639
meals and rooms tax, groceries defined, sale excluded from taxable meal	HB 576
mental health and developmental services, employee pay differentials	HB 519
mortgagees notified before execution of tax deed	SB 183
motor vehicles	
liability insurance, discrimination based on gender prohibited	HB 394
lights required when windshield wipers are in operation	HB 362
records, confidentiality	HB 628
weight and speed regulations to include metric measures, study	HB 123
motor voter registration	HB 444
municipal taxes, quarterly billing and collection	HB 239
municipalities exempt from environmental services fees	HB 676
Nansen ski jump, challenge grant to restore and preserve	SB 68am
naturopathic physicians, licensing and regulation	HB 451
OHRVs used for agricultural purposes exempt from registration fees	HB 586
oil, used, collection centers	HB 260
ordinance violations, fines remitted to municipality	HB 162
parole board compensation increased	HB 161
phosphorus-based household cleansing products, sale prohibited	HB 279am

Committee re-referrals (cont.)

physician ownership of pharmacies may be grounds for suspension of pharmacy permit	HB 496
plumbers, definitions changed	HB 413
police	
recovery for injuries caused by wanton or wilful conduct of others	HB 579
required to take certain persons into protective custody; examination	
for involuntary emergency admissions	SB 235
port authority and Pease development authority merged into new port authority	HB 442
privacy act, creditor redefined; disclosure of records by creditor	SB 59
property tax relief act	HB 616
psychology board administrative fines, amounts changed	HB 178
public assistance, waiting period for those who terminate employment voluntarily	HB 458
public water rights, declaration of policy; present and future use	HB 502
railroad properties on shore of public waters, private leases	HB 127
real property sales	
disclosure of history of property not required	HB 389
one to 4 family dwelling, disclosure regarding water supply, sewage	
disposal system, and insulation	HB 388am
referendum procedure for repeal of state statutes	CACR 7
regulation of taking of clams and oysters transferred to municipalities	HB 670
residential care facility residents' social security cost of living	
increases paid to the facility; state's contribution not decreased	HB 635
residential treatment programs for substance abusing women and their children	HB 459
retired firefighters, cost of living adjustment	SB 215
retirement system board of trustees	
membership increased	HB 311
method of selecting teacher member	HB 288
revenue returned to cities and towns included in operating budget	SB 234
rivers added to shoreland protection act; definitions and references amended	SB 225
SAU membership optional, study	HB 308am
shellfish waters, monitoring and rulemaking	HB 211
solid waste management districts to replace regional refuse districts	HB 622
special number plates for reserve members	SB 226
state agency	
fees defined; purposes; costs; fiscal impact statement	HB 652
policy analysis by LBA	SB 143
rules, legislative review; joint resolution to block	HB 686
state contracts, general liability insurance amounts changed	HB 583
state mandates	
election checklist and voter registration requirements removed	HB 683
special education catastrophic aid limited	HB 679
unfunded, definition of state expanded	CACR 3
supreme court opinion requested on constitutionality of revenue	
received by bureau of common carriers (HB 257)	HR 18
tax bills, information about tax relief included	SB 214
tax sales, portion of proceeds returned to previous owner	HB 618
telephone solicitations, list of persons who do not wish to receive	HB 544
tidal waters, Coast Guard equipment requirements; joint registration	
of vessel and its tender	HB 610am
towns	
and county taxes and fees, payment by credit card	HB 591
officers, time for swearing in determined by local governing body	HB 410am
use of official ballot; local option	HB 497
used oil marketers exempt from hazardous waste cleanup fund fees	
if oil is recycled	HB 472
video lottery games	SB 162
weights and measures provisions changed	HB 134
wetlands, definition of high tide modified	HB 154
wine, transporting opened container allowed, conditions	HB 377
wiretapping and eavesdropping laws, study	HB1 1
Common carriers bureau, revenues deposited in transportation fund	HB 257am

Communicable diseases, notification to Red Cross if recent blood donors	
have certain communicable diseases	HB 1249
Communications services tax repealed	HB 1563
Community and national service, NH executive board, participation in federal program	SB 763am
Community antenna television. See: Cable television	
Community based care services for elderly and disabled	SB 625am
Community development finance authority, investment tax credit	
pledges; 5 year limit; cap	SB 671am
repeal negated	SB 671
Community residences, recipients of assistance, social security cost of living increases	
not to decrease state contribution	HB 635
paid to the facility	HB 635
Commuters income tax repealed	HB 1563
Companies, limited liability	
technical amendments; ultra vires acts; securities exempt from registration	HB 1255
workers' compensation, up to 3 members excluded from coverage	HB 1216
Comparative fault, recreational activities, acceptance of risks	HB 1387
Concord, optional fiscal year; quarterly billing and collection of taxes	SB 520
Concord Hospital, partnership with Technical Institute to form Capital Wellness, Inc.	SB 807
Condemnation. See: Eminent domain	
Condominiums, unit owners	
associations, termination of services for nonpayment of common	
assessments; collection in advance authorized	SB 534
delinquent taxes, study	SB 804am
"for sale" signs allowed	HB 1234
Conference center, feasibility of establishing in lakes region, review by	
Lakes Region Planning Commission; appropriation	SB 701
Confidential communications	
advanced registered nurse practitioner and client	HB 1447
counselors, victims, and certain third parties	SB 673am
Confidential information	
child abuse or neglect reports, anonymous reports not sole source for any action	HB 1280
children and youth services records, not confidential	HB 1131
consumer complaints to bank commissioner	HB 1203
criminal history record checks and protective order checks for handgun purchases	HB 438
identity of person infected with HIV, public health services may	
disclose to blood banks	SB 576
juvenile delinquency records, victims and certain law enforcement agencies	
access subject to confidentiality requirements	HB 1586
medical records, remedy for violations	HB 1452
motor vehicle records	HB 628
proceedings for guardianship of minors	HB 1573
town officer's breach of confidentiality a violation of oath of	
office, grounds for dismissal	HB 1186
vital records, public health services director approval of release	
of information for health related research	HB 1116
Congregate housing, elderly and adult services, appropriation for federal matching funds	SB 702
Conservation	
commissions, land may be taken for conservation purposes	HB 1310
nonprofit organizations, special motor vehicle number plates, fees to	
benefit designated organizations, study	SB 583am
attorney general elected	CACR 29
county attorneys appointed by governor, to serve under direction	
of attorney general	CACR 31

Conservation (cont.)

criminal contempt, same protections as other criminal defendants	CACR 11
definition of state expanded in prohibition against unfunded mandated programs	CACR 3
executive council members salaries set at \$200. per biennium	CACR 30
federal and state representatives, terms limited	CACR 38
gender specific terminology removed	CACR 35
general court	
biennial sessions	CACR 32
house of representatives, size decreased; senate, size increased	CACR 33
members' salaries changed	CACR 34
initiative and referendum	CACR 28
judges chosen by lot from pool of attorneys	CACR 12
referendum procedure for repeal of state statutes	CACR 27
registers of probate appointed instead of elected	CACR 7
registers of probate appointed instead of elected	CACR 26

Construction work in progress, prohibition against inclusion in public

utilities rate base, exceptions	HB 1370am
---------------------------------------	-----------

Consumer credit

late payment charges authorized	SB 558
open-end transactions, interest, advance collection prohibited, computation	HB 1142
reporting	
agencies, use of information limited; lists, exclusion	HB 1396
exclusion from pre-screening lists; procedure in cases of disputed accuracy	HB 1320am

Consumer protection

and antitrust bureau, listing of persons who do not wish to receive	
telephone solicitations	HB 544
choice in television programming	HB 1393
collection agencies may accept assignment of debt	HB 1125
going out of business sales regulated; penalties	HB 1391
hearing aid dealers board name changed to hearing aid consumer protection	
board; canvassing prohibited	HB 1338
insurance information and privacy protection	SB 554
manufactured housing parks, enforcement of statutory provisions	HB 1115
motor vehicle	
dealers, service information provided to original buyer	HB 1361
leases, disclosure	HB 1357
multi-level or network marketing, disclosure required; violation an unfair trade practice	HB 1292
privacy act, creditor redefined; disclosure of records by creditor	SB 59
prizes and gifts act; disclosure	HB 1545
rent-to-own agreement act	SB 747
sale price policy, consumer charged correct sale price or product is free	HB 1363
unfair trade practice, refusal to stop hand-delivery of unsolicited	
non-subscription publications after notification by recipient	HB 1341

Contact lenses, replacement, prescription provided by optometrist to patient on

request; regulation of out of state businesses selling contact lenses, fees	HB 1377am
---	-----------

Contempt

civil and criminal, penalties restricted; fines deposited to state law library account	HB 1521
criminal, same protections as other criminal defendants	CACR 11
powers, marital masters	HB 1135

Contests, prizes and gifts act; disclosure

HB 1545

Contractors, independent, licensing

HB 1492

Contracts, state agencies, contracted services and field purchase order amounts increased

SB 565

Convention center

located in NH, study	
duties extended	SB 701
extended	HB 1574
theme park, and casino, feasibility of establishing, study	SB 793am

Cooperative electric associations, may elect to be exempted from regulation by PUC

HB 1511

Cord , sale of wood or wood by-products by cord only, reference repealed	HB 134
Corporations	
business, technical amendments, liability of officers clarified	HB 1455
representation in small claims actions by non-attorney, written authorization removed	HB 1349
subchapter S, earnings exempt from interest and dividends tax	HB 1493
voluntary, assets \$750 or less, exempt from recording fee	HB 1275
workers' compensation, up to 3 executive officers excluded from coverage	HB 1216
Corrections	
department, commissioner and warden, salaries increased; warehouse fire, replacement of equipment and inventory, supplemental appropriation	SB 638am
state and county departments combined, study	HB 1296
system, fiscal impact note required on bills and resolutions	HB 1404
Cosmetologists , independently operated booths not required to have separate sinks	SB 510
Counselors duty to report child abuse, exceptions for certain domestic violence cases	SB 673am
Counties	
computer-based geographic information systems may be established; financing; fees	HB 1411am
corrections departments combined with state, study	HB 1296
delegates, separate elected office, same duties as county convention	HB 1431
delegations, selection of state board of education members	HB 1128
delinquent state obligations, interest charge	SB 735
executive committee vacancy, how filled	HB 1226
officers, position incompatible with any town, city, or village district office	HB 1307
revenue bonds, authentication requirements	SB 564
state attorney to prosecute criminal offenses	HB 1487
Strafford county fire department, study	HB 1402
taxes, study	SB 27
County attorneys	
appointed by governor, to serve under direction of attorney general	CACR 31
county commissioners rulemaking authority over administration of office	HB 1454
criminal prosecutions transferred to state attorneys in justice department	HB 1487
knowingly causing death of, capital murder	HB 1104
County commissioners	
Belknap, method of election changed	HB 1167
rulemaking authority over elected county officials; competitive bidding, services included, applicable to all county offices	HB 1454
County conventions , election to fill vacancy in house of representatives	HB 1457
County treasurers	
county commissioners rulemaking authority over administration of office	HB 1454
payment of taxes and fees by credit card allowed	HB 591
Courts	
civil action entry fee surcharge to NH Legal Assistance for civil representation of low-income persons	SB 758
contempt	
civil and criminal, penalties restricted; fines deposited to state law library account	HB 1521
criminal, same protection as other defendants	CACR 11
copies of materials cited in opinions provided free of charge	HB 1489
court appointed special advocate guardian ad litem for children	SB 667
defaults, motor vehicle offenses, driver's license suspensions reported to National Driver Register	SB 602
domestic violence	
emergency temporary orders by telephone or fax	HB 1536
protective orders, reciprocity with other states	HB 545
evidence and witness obsolete statutes repealed	HB 1244am
judgments, revised uniform enforcement of foreign judgments act adopted	HB 1153
judicial system study expanded to resolution of family issues; members added	HB 1135am
NH Bar Association dues paid for attorney employees	HB 1408

Courts (cont.)

overdue fines and default payments, surcharge, funds used for construction and renovation of district courts	HB 1531
penalty assessments, drug-free school zones, used for sign fund	SB 642
person incompetent to stand trial, hearing and determination of dangerousness before evaluation for involuntary admission	HB 1164
petition for declaratory judgment to determine insurance coverage, time limit; jurisdiction	SB 722
Plymouth district courthouse, appropriation	HB 1557
Rockingham county, pilot program eliminating trial de novo in misdemeanor cases, option to elect jury trial, time extended	HB 1124
services, structure of administrative and service delivery areas, study	HB 1353
treatment of women and children in marital and domestic violence disputes, study	HB 285
witness fees paid by attorney general in criminal cases	HB 1335
Coutermarsh, Ernest R., Sr., former representative, res on death	HR 53
Coyote hunting at night allowed; license	HB 1282
Crack cocaine defined; penalties	HB 1107
Cranston-Gonzalez National Affordable Housing Act, congregate housing, appropriation for federal matching funds	SB 702
Credit cards	
issuer, disclosure of records under privacy act	SB 59
payment of town and county taxes and fees	HB 591
Credit reporting agencies, exclusion from pre-screening lists; procedure in cases of disputed accuracy	HB 1320am
Credit unions, reports to bank commissioner required	HB 1203
Cremation, death certificate fee increased	SB 750
Criminal code	
access to medical care, unlawful interference and harassment, penalties	HB 1225
arson, historic structure, penalty	HB 1180am
assault on a police officer, penalty	HB 1126
bad checks, evidentiary requirement changed	HB 1317
capital murder, judicial officer added	HB 1104
cruelty to animals	
killing police dog or horse, class B felony	HB 1188
penalties increased	SB 585
deadly force, use clarified	HB 167
felonious use of crossbows	HB 688
harassment, purpose added; definition of communicates broadened to include any method of transmission	HB 1525
luring a minor, penalty	HB 267
negligent homicide from driving motor vehicle, lifetime license revocation if 3 previous DWI convictions	SB 608
obscene materials, second offense, penalty increased; sexual conduct redefined	HB 1392am
obstructing report of a crime or bodily injury, penalty	SB 517
pattern of sexual assault, penalty	HB 1106
prostitution, persons convicted of paying for sexual contact required to publish their names in local newspapers	HB 1243
reckless conduct or criminal threatening, use of deadly weapon, class B felony	HB 1134
sentences	
annulments for certain crimes prohibited	HB 1232
annulments for certain crimes prohibited; annulment after imprisonment	HB 1315
extended term of imprisonment, safe school zone violations	HB 1528am
extended term of imprisonment, subsequent convictions of certain DWI offenses	SB 609
home confinement in addition to other sentence for DWI habitual offenders	SB 611
restitution to insurance companies which indemnify victims; priority of claims	HB 1227
suspension, limiting time for petition	HB 1105
uncompensated public service, time limitation removed	HB 1254

Criminal code (cont.)

sentences (cont.)

victims allowed to speak at sentence reduction or suspension hearings HB 1191

sexual assault

civil commitment of sexually violent offenders after completion

of criminal sentence, procedure HB 1540

HIV test for persons convicted; notification of victim and victim/witness office HB 1190

HIV testing after third conviction for prostitution HB 1235

stalking, cross reference corrected HB 267am

subversive activities chapter repealed SB 656

Criminal defendants, indigent, attorneys' fees and expenses, repayment schedule

from cost containment unit SB 548

Criminal history record check by single premium telephone call before

sale of handguns HB 438

Criminal procedure

criminal contempt, same protections as other defendants CACR 11

mentally retarded found not competent to stand trial, involuntary

commitment in felony cases; conditional discharge SB 722

Criminal prosecution

counties, state attorneys to replace county attorneys HB 1487

district and superior court levels, efficient system, study HB 1550am

unified system, attorney general's recommendations required HB 1550

Criminal records, elected police officers, criminal history and background

investigations by police standards and training council SB 522

Criminal threatening, use of deadly weapon, class B felony HB 1134**Crossbows, felonious use, penalty** HB 688**Cruelty to animals**

killing police dog or horse, class B felony HB 1188

penalties increased SB 585

Cultural affairs

commissioner to serve at pleasure of the governor HB 677

department, state curator, appropriation HB 1278

granite state cultural legacy award HB 1372

Curator, state, appropriation HB 1278**Current use taxation**

aircraft operating areas included HB 1302

land use change tax penalty assessment for land which changes more than once in

ten years; reimbursement fund, distribution to certain municipalities HB 570

ten year enrollment period required; land use change tax rate changed HB 1421

Custody, children, unsupervised visits with both parents presumed to be

in best interests of the child SB 705

CWIP. See: Construction work in progress**D****Dairy products**

containing bovine somatotropin growth hormone, labeling required HB 1583

northeast interstate dairy compact, appointment of NH delegates;

certification of milk laboratories HB 1108

Dalton, route 135 railroad overpass, study HB 661am**Damages**

civil, in child abuse actions, study HB 1465

consumer credit reporting agency, misuse of information HB 1396

enhanced in civil suits involving DWI HB 1253

Damages (cont.)

- medical malpractice actions, amount capped, study HB 1389
- recreational activities, acceptance of risks HB 1387

Dams

- administrative fines, municipalities exempted HB 678
- classification and registration fees, municipalities exempted HB 676
- construction authorized, Province Lake, Effingham SB 553am
- permits and application fees required; condemnation and removal
 - of abandoned dams by water resources division HB 1204
- Waumbek, Rowe, and dam at Green Tanning Corporation in Milton,
 - acquisition by water resources division HB 1162

- Data processing center to produce checklists, study HB 634**

Day care, children

- advisory committee established HB 1177
- licensing policies, study SB 580

- Days included and excluded in time computation for statutory construction and elections HB 1238**

- Deadly force, justification HB 167**

Death

- cemeteries chapter recodified; protection of old cemeteries HB 1228
- certificate required for cremation, fee increased SB 750
- with dignity act HB 395

Debts

- adjusters, surrender of license HB 1142
- collection agencies may accept assignment HB 1125

- Declaratory judgments, petition to determine insurance coverage, time limit; jurisdiction SB 722**

Deeds

- and conveyances
 - real property rights of reversion limited SB 540
- sale of one to 4 family dwelling, disclosure regarding water supply,
 - sewage disposal system, and insulation HB 388am
- sale of property including a building, minimum water flow required HB 1425
- sale of real property, disclosure of history of property not required HB 389
- manufactured housing park owners required to sign deeds, time and fee limited HB 1187

Deer

- hunting
 - exposure of carcass repealed HB 1136
 - method of taking in Rockingham county east of I-95 limited HB 527
 - special permit to take extra deer; archery license, additional deer taken HB 1144
- venison sales, retail sellers license and reporting requirement removed HB 1502
- Virginia white-tailed, sale of venison imported or propagated in state SB 675

Definitions

- abused child; neglected child HB 1280
- abutter; residential neighborhoods; rural communities SB 591
- aircraft operating area HB 1302
- angling HB 1463
- billboard and vessel for purposes of liquor laws SB 594
- camp HB 1103
- charitable HB 1484
- eleemosynary service HB 1481
- coastal beaches SB 636
- communications records HB 1397am
- confidential employee; supervisory employee HB 1572
- cooperative electric associations HB 1511
- cord HB 134
- covered bridge HB 1180
- employee in workers' compensation law HB 1329am
- fee HB 652

Definitions (cont.)

government entity	HB 1182
groceries	HB 576
high tide	HB 154
historic structure	HB 1180am
impact fee	HB 1469
independent contractor	HB 1492
judicial officer	HB 1104
multi-level or network marketing	HB 1292
party in election laws	HB 1246
	HB 1350
pattern of sexual assault	HB 1106
resident for motor vehicle insurance purposes	SB 717
salaried employee	SB 603
sexual conduct in obscenity statute	HB 1392am
sexual orientation	HB 1432
state employee	SB 664
state in constitutional prohibition against unfunded mandated programs	CACR 3
vessels	SB 129

Dental board

dental hygienists, licensing and regulation	SB 658
funds transferred	HB 178am
lapsed license, initial license requirements met for reissuance; inactive practitioner, fee reduction removed; disciplinary actions, guidelines regarding infection control specified	SB 575

Dental coverage for adult medical assistance recipients, appropriation SB 787**Dentists**

notification to patients if no malpractice insurance is carried	HB 1437
ownership of pharmacy may be grounds for suspension of pharmacy permit	HB 496

Detectives, private, wording changed to private investigator; board, rulemaking HB 1459**Developmentally disabled, involuntary commitment in felony cases; conditional discharge** SB 772**Dies, molds, forms, and patterns, ownership rights** SB 552**Diesel fuel taxed at the pump** HB 659**Dining room bar defined, alcoholic beverage license** HB 1321**Disabled**

adults, in-home care pilot program, appropriation; home and community based care services, additional services, information and referral	SB 625am
children, advisory and oversight committee on the education of children with disabilities	HB 1288
developmentally, involuntary commitment in felony cases, conditional discharge	SB 772
permanently and totally	
aid, definition, effective date	SB 775am
aid, supplemental appropriation	HB 1050am
tax exemption, reference inserted	SB 688am
tax exemptions, interest and dividends tax	HB 1148
tax liens, procedure after death of owner if property is not redeemed by heirs	SB 688
"wait listed" by health and human services, funding of services, study	HB1 21
walking, parking, hanging placards for	
individuals or nonprofit agencies	HB 1378
nonprofit agencies	SB 523am
workers' personal care assistance program, subsidy amount and annual income increased	SB 749

Discrimination

based on	
genetic characteristics prohibited	HB 1316
on sexual orientation prohibited	HB 1432
by public utilities prohibited	HB 1414
employment, failure to consider for employment	SB 676am

Discrimination (cont.)

- group and blanket health insurance policies, on basis of health risk prohibited HB 341
- human rights commission, hiring authorization, appropriation; time
for disposition of complaints HB 1213
- prohibited, insurance policies HB 394
- voluntary termination of employment because of, eligibility for
unemployment compensation SB 621

Diseases, communicable, notification to Red Cross if recent blood

- donors have certain communicable diseases HB 1249

District courts

- criminal prosecution, efficient system, study HB 1550am
- domestic violence emergency temporary orders by telephone or fax HB 1536
- municipal ordinance fines remitted to the municipality HB 162
- overdue fines and default payments, surcharge, funds used for
construction and renovation of district courts HB 1531
- pilot program in Rockingham county eliminating trial de novo
jury expenses, lapse date extended SB 598am
- option to elect jury trial, time extended HB 1124
- Plymouth courthouse
appropriation HB 1557
- construction and furnishing appropriation, bonds HB 1571am
- regional jury trial courts, free parking for jurors HB 1138
- study HB 386am
- Thompson and Meserve's Purchase moved from Lancaster to Berlin-Gorham district HB 1477
- witness fees paid by attorney general in criminal cases HB 1335

Divorce**children**

- custody, unsupervised visits with both parents presumed to be in child's best interests SB 705
- support enforcement orders payable through human services division,
employer and health insurance information required HB 1114
- judicial system study expanded to resolution of family issues; members added HB 1135am
- marital masters contempt powers HB 1135
- termination of marriage by notice filed with vital records and health
statistics; arbitration HB 1560

Dogs

- police, killing a class B felony HB 1188
- rabies vaccination and licensing laws changed; forfeiture of unlicensed
dogs, procedures; at large defined; penalties increased HB 1422
- racing
greyhound racing commission replaced by gambling commission HB 1195
- pari-mutuel commission, payment for laboratory urine tests; extension
of time for simulcast racing HB 1272am
- pari-mutuel tax and distribution repealed; replaced by payment,
percentage of yearly handle HB 691
- simulcast, maximum tax per day HB 1495
- simulcast, racing program defined for calculation of tax; pari-mutuel
tax structure, study HB 1495am
- tax on pet products to fund spay/neuter programs HB 1549
- wolf hybrids, possession or release in NH prohibited; study HB 1100am

Domestic violence

- eligibility for relief extended to minors; rules of evidence inapplicable;
protective orders; transmission; modification; penalty SB 673
- emergency temporary orders by telephone or fax HB 1536
- programs fund, appropriation HB 1472
- protective orders
reciprocity with other states HB 545
- record check by single premium telephone call for sales of handguns HB 438
- victim, interception of communications with one party's consent SB 663
- women and children, treatment by courts in marital and domestic
violence disputes, study HB 285

Domicile requirements for state representatives	HB 1130
Dredging. See Excavating	
Drug-free school zones, rulemaking by state board of education; penalty assessment used for sign fund; implementation study committee	SB 642
Drugs	
abuse, pilot needle exchange program to combat AIDS	HB 1532
and alcohol abuse prevention office	
allocation from health care transition fund	SB 791
residential treatment program for substance abusing women and their children	HB 459
controlled	
and noncontrolled, authority of advanced registered nurse practitioners	SB 593
crack cocaine defined; penalty; methadone maintenance programs prohibited	HB 1107am
in safe school zones, penalties	HB 1528
driving under influence. See Motor vehicles, DWI	
forfeiture limited; stayed during criminal proceedings; no forfeiture if	
found not guilty; guidelines and report by attorney general; study	HB 660
hypodermic syringes, pharmacies, prescription required for sale to minors	
only; safe disposal and information on drug addiction treatment;	
schools exempted from law; "inject" removed from drug paraphernalia law	HB 1483
prescription	
elderly, assistance in meeting costs, study	HB 1192
insurers may not require mail order or specific pharmacy	HB 526
out of state pharmacies defined; registration required; criteria	HB 1500am
use review board, compensation, rulemaking by health and human	
services commissioner	SB 604am
Dumont, Rev. Renaud, guest chaplain	928
Dunbarton Telephone Company, service provided in Goffstown investigated by PUC	HB 1575
Durable power of attorney for health care, intent regarding	
medication to alleviate pain and discomfort	HB 1400

E

Eastern NH turnpike

easterly approach from Scammell bridge in Dover, design and	
construction appropriation	HB 1518
exit 6 redesign and reconstruction	HB 1518am
funds allocated	SB 781
expansion over Little Bay	HB 1348
redesign between exits 11 and 16	HB 1488
Eastern States Exposition, operation of NH building, study	HB 1308

Economic development

division, DRED, transferred to state planning office	HB 1295
international trade, pilot telecommunications link to disseminate	
leads from Pease international trade center	SB 632
new port authority	HB 442
state activities, study extended	HB 1574
through enhancement of fish, game, and nongame programs, study	HB 1503

Education

building aid, air conditioning for year-round schools	HB 1146
buildings, tax exemption limited	
core service charges	HB 1481
to direct use	HB 1484
charter schools, study	HB 599am
class size specified	HB 1218
commissioner to serve at pleasure of state board of education	HB 677
compulsory school attendance, study	SB 505
department reorganized; joint advisory employer/employee committee	HB 1524
drug-free school zone rulemaking by state board of education;	
penalty assessment used for sign fund; implementation study	SB 642

Education (cont.)

dual enrollment, nonpublic or home educated students eligible to	
attend public school courses	HB 1109
foreign exchange students in NH public schools, studies	HB 1184am
foundation aid	
1/2 of operating budget surplus credited to	SB 769
Augenblick formula fully funded by 1996	HB 1319
formula, medicaid enhancement fund used to augment	HB 491
gifted and talented program, appropriation	HB 1514
health	
education review committee	HB 1433
legislative intent, state board may not limit local school board's	
adoption of a curriculum that reflects local community values	HCR 29
high school equivalency testing and certification, persons under 18 eligible	HB 1139
higher, NH Higher Education Loan Corporation, acquisition of student loans	
in accordance with federal law; directors and employees indemnified	SB 535am
interactive communications system among public schools, study	HB 1343
kindergarten	
at home, parent training	HB 1324
financed by increasing various taxes	HB 1520
incentive aid	SB 728
incentive program, increase in school building aid	HB 1458
statewide program, study	SB 654
literacy skill development program, appropriation	SB 504
local property tax not a source of funds, educational financing study	HB 1260
municipal budget law changes integrated into school district statutes	HB 1270am
nonpublic, state money or vouchers to fund prohibited	HB 1305
outdoor, landowner's liability limited	HB 480
public	
facilities, tests of indoor air quality by public health services	HB 1568
funding, task force study	HB 1260
schools, class size limited to 20	HB 1499
pupils' withdrawal from school between ages 16 and 18, conference;	
consent from parent or guardian	SB 647
safe school zones; firearms, acts of theft, destruction, or violence	
addressed; penalties; reports; expulsion of pupils	HB 1528am
school districts encouraged to examine diverse cultures, ethnicity, and	
heritage while emphasizing tolerance, understanding, and respect	HCR 30
special	
advisory and oversight committee on the education of children with disabilities	HB 1288
catastrophic aid limited	HB 679
census of educationally handicapped students, requirement repealed;	
additional reimbursement for certain pupils	HB 1165am
mediation changed to alternative dispute resolution; local school	
district programs; neutral conference	HB 1212
state board	
AIDS/HIV education handbook, publication required	HB 1325
character and citizenship education, solicitation of funds authorized	SB 796
information made available regarding local school board responsibilities	
regarding request for change of school assignment	HB 599am
membership increased; selection by county delegations	HB 1128
speech-language pathologists certification, determination of master's	
degree equivalency	HB 1110
teacher member required	HB 1354
state plans subject to notice and hearing requirements	HB 679
state services, structure of administrative and service delivery areas, study	HB 1353
transportation provided to pupils when directed by vote of school district meeting	HB 1156
uniform statewide property tax to equalize funding; foundation aid repealed	HB 1584
voucher program, enrollment options in public or secular private schools	HB 599

Elderly

and adult services	
congregate housing, appropriation for federal matching funds	SB 702

Elderly (cont.)

and adult services (cont.)

in-home care pilot program, appropriation; home and community based care services, additional services, information and referral	SB 625am
transportation programs and Alzheimer's disease respite care, appropriations	SB 652
long-term care, study extended	HB 1574
medicare supplemental insurance regulated	SB 525
moose hunting, some permits reserved for senior citizens	HB 1395
motor vehicle liability insurance discount for those over 55 who have taken a driver safety course	HB 1152
old age assistance, supplemental appropriation	HB 1050am
prescription drug costs, study	HB 1192
special hunting license, muzzle-loading firearms and bow and arrow included	HB 1140
tax exemptions	
interest and dividends tax	HB 1148
occupancy requirement	HB 1230
retained when home is in living trust	HB 325
tax liens, procedure after death of owner if property is not redeemed by heirs	SB 688

Elections

ballots

candidates name to appear only once	HB 1406
format changed, listing candidates and party designation	HB 1566am
format changed; party columns eliminated; straight ticket voting changed	HB 449
state representative, order of candidates names determined by secretary of state once every two years	HB 1426

campaign contributions

and expenditures, enforcement of statutes, study	HB 510
coercion of employees by business organizations prohibited	HB 404am
definitions; political committee reporting requirements; date changed	HB 541
campaign financing, legislative advisory committee, assisting candidates to raise money without excessive expenditures or large contributions, study	SB 687am

campaign receipts and expenditures, reporting requirements extended to municipal elections

HB 1331

candidates, one party only	HB 531
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checklists

out of state mailing requirement removed; charge for copies changed; one session for correction removed	HB 683
produced by data processing center, study	HB 634

Congress

term limits prohibited	HB 1311
urging campaign spending limits	HCR 22
county delegates	HB 1431
general court, term limits prohibited	HB 1306
hours of polling changed, local option	HB 411

house of representatives

400 separate districts	HB 1215
declaration of candidacy filed with secretary of state	HB 632
municipal officers, term limits prohibited	HB 1229
nomination papers for "none of the above"	HB 1352
party redefined	HB 1246
to include person	HB 1350
political advertising, radio and television broadcasts deleted from state statutes	HB 1161
primaries	

nomination by write-in, number of votes required	HB 510
person previously registered may vote ballot of newly recognized party, limitation; time for mailing overseas and armed services primary ballots; write-in votes to receive nomination; village district checklist	HB 1405am
proxy voting allowed at town and school district meetings, local option	HB 1451
referenda	
casino gambling and electronic games	HB 1160

Elections (cont.)

referenda cont.)

house of representatives, decreasing membership; increasing compensation; amending travel allowance	HB 1199
secretary of state, certificate of election blanks forwarding to municipalities removed	HB 510am
preparation repealed	HB 1566
special, candidates for state representative, filing with town or city clerk	HB 1566am
straight ticket voting eliminated	HB 520
	SB 799
time computation, days included and excluded	HB 1238
towns	
hours of polling extended by petition	HB 145
officers, matters of state or national concern may be on official ballot	SB 506
offices vacant, next annual town election defined	HB 1206
use of official ballot; local option	HB 497
unincorporated and unorganized places, offices voted for, governor added	HB 1566am
various dates changed; definitions	HB 514am
voter registration	
driver's license examination facilities	HB 444
on election day at polling places; registration by mail, study	HB 1506
voting machines, replacements, ballot law commission approval	HB 1498

Electric associations , cooperative, may elect to be exempted from regulation by PUC	HB 1511
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Electric power

nuclear decommissioning financing committees, members changed; consultants, payment	SB 650am
small producers using indigenous and renewable fuels, encouragement and support; consideration in rate plans; oversight committee to monitor renegotiations between small power producers and PSNH	SB 790am

Electric utilities, service connected in owner's name after termination of

service to tenant	HB 1220
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Electricians

board	
members, consecutive terms limited; executive secretary eliminated	SB 612
rents and leases, appropriation	HB 1101am
journeyman employed by master electrician; apprentice, 2-4 years; fraudulent claim of being licensed, penalty	SB 612

Electrologists , licensing requirements; fees; disciplinary actions	SB 503
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Electronic games of chance

keno, authorized	HB 691
legislative approval required	HB 1245
referenda questions	HB 1160

Ellsworth, Tri-Cothic Road, maintenance and plowing in winter by

transportation department	SB 764
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Emergency interim legislative succession act repealed	HB 510
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Emergency lanes , class VI highways and private ways. maintenance by towns	HB 1474am
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Emergency management office, director notified of radioactive

releases from nuclear power plants	HB 1149
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Emergency medical services law , violations, administrative fines	SB 613
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Eminent domain

constitutional takings of private property, attorney general's guidelines	HB 1486
state to pay at least original purchase price	HB 1200
towns may take land for conservation purposes	HB 1310

Emissions

motor vehicles

enhanced inspection and maintenance program, governor may add or remove counties	HB 1224
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Emissions (cont.)

motor vehicles (cont.)

fleet operators required to purchase certain percentage of inherently low emission vehicles	SB 788
inspection program, competitive bidding with inspection stations deleted	HB 1515am
inspection stations, additional contracts to qualified small businesses	HB 1332
reduction credits trading program reenacted; advisory committee	HB 1515

Employee leasing companies, licensing and regulation	SB 740
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Employment

discrimination, failure to consider for employment	SB 676am
salaried employee defined; payment criteria	SB 603
union membership requirement prohibited	HB 1330
voluntary termination, waiting period for public assistance	HB 458
wages, duty of employer and insurer regarding failure to deduct and loss of benefits	HB 1233

Employment security commissioner and deputy, 4 year terms; deputy, unclassified employee, salary	HB 677am
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Energy

efficient buildings, voluntary minimum standards, PUC rulemaking	HB 1409am
nuclear power plants	
decommissioning financing committees, members changed; consultants, payment	SB 650am
radioactive releases, public notification	HB 1149
small power producers using indigenous and renewable fuels, encouragement and support; consideration in rate plans; oversight committee to monitor renegotiations between small power producers and PSNH	SB 790am

Engineers

board	
compensation of counsel and investigators	HB 203
funds transferred	HB 178am
name changed to professional engineers board; purposes; jurisdiction; powers and duties; investigations; disciplinary actions	HB 439
to supervise preparation of certain sewage or waste disposal rules	HB 1171

English language required for state publications	HB 1219
---	----------------

Environmental laws, powers of fiduciaries in environmental matters, study	SB 589am
--	-----------------

Environmental services

additional positions, shoreland protection, appropriation	SB 225am
administrative fines under air pollution act, asbestos management, acid rain, and air toxic control act	HB 1346
air resources division, Clean Air Act compliance, state aid to municipalities	HB 1358
alternative waste disposal systems, on-site composting and greywater, rulemaking	HB 1444
commissioner	
report on anthropogenic phosphate sources effect on water quality	HB 279am
to serve at pleasure of the governor	HB 677
competitive bidding, review by oil fund disbursement board; consultation before rules are adopted	SB 716am
emissions reduction credit	
fleet operators required to purchase certain percentage of inherently low emission vehicles	SB 788
trading program reenacted; advisory committee	HB 1515
fees, municipalities exempted	HB 676
grant program to aid in closure of unlined municipal landfills	HB 317am
municipalities exempted from certain administrative fines	HB 678
notified of hazardous waste spills in rivers by town where spill occurred	HB 1496
supplemental appropriation for used oil collection programs	HB 260am
unit of natural scientists, regulation of soil scientists and wetlands scientists	HB 624
water resources division, dams	
acquisition in Milton	HB 1162
condemnation and removal of abandoned dams; permits and application fees required	HB 1204

- Escheat**, abandoned utility deposits used to fund assistance
programs for low income and disadvantaged customers SB 730
- Estates**
probate court jurisdiction limited HB 1291
small
amount increased; waiver of administration of certain estates HB 1207
time extended for voluntary administration HB 1256
- Ethics committee**, executive branch HB 1541
- Ethics, legislative committee**
jurisdiction, membership, duties, and complaint procedures changed HB 1578
special report to the speaker recommending reprimand of Rep. Hemon (RC) 1041-1045
- Everett turnpike**. See: Central NH turnpike
- Evidence**
admissibility, obsolete statutes repealed HB 1244am
burden of proof in child abuse or neglect cases, beyond a reasonable doubt HB 1281
hearsay excluded in child abuse or neglect cases HB 1373
lawfully acquired communications recordings, admissibility, study HB 1303
rules not applicable in domestic violence proceedings SB 673
- Excavating tidal waters, port authority responsibility** SB 674
- Executive branch**
certain commissioners to serve 4 year terms HB 677am
ethics committee HB 1541
reorganization
commission HB 1368
statute repealed HB 421
- Executive council members salaries set at \$200 per biennium** CACR 30
- Executors and administrators**
powers of fiduciaries in environmental matters, study SB 589am
probate judge may accept other forms of security in lieu of bonds HB 1256
waiver of administration of certain estates; small estates, amount increased HB 1207
- Exeter**, route 51 redesignated as route 101; appropriation SB 644
- Eyeglasses**, replacement, prescription provided by optometrist to patient on request HB 1377

F

- Facsimile transmissions**
emergency domestic violence temporary orders HB 1536
legal validity, judicial council study HB 1369am
- Families**
children
and youth services division name changed to children, youth, and families division SB 726
needing assistance, interagency family assistance teams SB 748
day care home a valid residential use HB 280
judicial system study expanded to resolution of family issues; members added HB 1135am
support services, supplemental appropriation HB 1050am
- Family Camping Museum**, Bear Brook State Park, relocation.
DRED maintenance facility removed SB 659
- Fax transmissions**
emergency domestic violence temporary orders HB 1536
legal validity, judicial council study HB 1369am
- Federal Mandates Relief Act**, Congress urged to pass and provide for federal
payments for federal mandates imposed on state and local governments HJR 22
- Fees**
companion animal population control fee for cats HB 1201
filing, waived for right to know law violation petitions in superior court HB 1198
state agencies, defined; purposes; costs; fiscal impact statement HB 652

Fiduciaries powers in environmental matters, study	SB 589am
Fines	
administrative	
emergency medical services law	SB 613
environmental services, municipalities exempted	HB 678
environmental services under air pollution, asbestos management,	
acid rain, and air toxic control acts	HB 1346
fish and game executive director	SB 511
land surveyors joint board	SB 149am
psychology and mental health practice board, amounts changed	HB 178
courts, overdue, surcharge, funds used for construction and	
renovation of district courts	HB 1531
municipal ordinance violations, remitted by court to the municipality	HB 162
Fire code, sprinkler systems, additional waivers; fire detection systems required	SB 544am
Fire control, forests protection bureau, appropriation changed	HB 1551am
Fire departments, municipal, financing and property ownership options	SB 685am
Fire extinguishers	
discount on fire and homeowners insurance	HB 630
required in certain motor vehicles	HB 630
Fire marshal	
buildings with truss construction, emblem required, rulemaking	HB 523
fire safety education program	HB 630
flammability testing of seating furniture in public buildings; inspections	HB 569
Fire protection and warning devices required on sale of residential buildings	HB 1479
Fire safety equipment, housing finance authority loans to residential care	
homes and supported residential care facilities	SB 230
Fire standards and training	
1993 capital improvements appropriation purpose expanded	HB 1571am
rulemaking, fees; educational, curriculum, and training standards	
exempt from administrative procedure act	SB 685
Firearms	
commemorative rifle or shotgun lottery repealed	HB 1430
muzzle-loading, special hunting license for elderly	HB 1140
pistols and revolvers	
carrying without license, second offense, penalty modified by time limitation	SB 587
carrying without license, second offense, time limit for penalties	HB 1435
license to carry, permanent after 6 years	HB 1178
license to carry, renewal date changed	HB 1364
license to carry, self-defense a proper purpose; license valid for all	
allowable purposes	HB 1175
license to carry, self-defense a proper purpose; license valid for all	
purposes; renewal date changed	SB 562
sale, criminal history record check by single premium telephone call	HB 438
special hunting season and license	HB 1434
possession by pupil in safe school zone prohibited; expulsion	HB 1528am
Firefighters	
recovery for personal injuries, fireman's rule rejected	HB 401
retired, cost of living adjustment	HB 414
	SB 215
Fireman's rule rejected	HB 401
Fireworks	
consumer class C, sales and use, local option	HB 625am
definitions clarified; denial or suspension of license; permissible	
fireworks review committee; repealed section reinstated	SB 734
Fish and game	
angling definition changed	HB 1463
aquaculture responsibility shared with agriculture department, study	HB 1327
bear, marten, or moose, illegal taking or possessing, penalty increased	HB 1284am

- Fish and game (cont.)**
- bow and arrow hunter's name and address not required on arrows HB 1137
 - clams
 - clam worms, and oysters, regulation of taking transferred to municipalities HB 670
 - illegal taking, penalty HB 1143
 - recreational and commercial licenses, fees; exception for elderly HB 1517
 - commemorative rifle or shotgun lottery repealed HB 143
 - coyote hunting at night allowed; license HB 1282
 - deer. See: Deer
 - department
 - name changed to wildlife and marine resources department, study HB 1274am
 - economic development through fish, game, and nongame programs, study HB 1503
 - executive director
 - administrative fines SB 511
 - employment of clam wardens HB 1554
 - purchase of merchandise, supplies, and materials; exempt from
 - purchase through state HB 1112
 - fish
 - fishing by live bait in Lake Sunapee permitted SB 708am
 - fishing by permit, patients at Friendship House in Bethlehem HB 1170
 - fishing, one-day family fishing license HB 1111
 - state freshwater, brook trout SB 538am
 - state saltwater game fish, striped bass HB 1438
 - tidal waters netting, license and fee HB 1440
 - handguns, special season and license HB 1434
 - hunting
 - injury to another, immediate license suspension pending investigation HB 1322
 - on Sunday prohibited; towns may adopt ordinances requiring hunters
 - to obtain permission to hunt on property owner's land HB 1221
 - land opened for recreational use, state as landowner, liability limited HB 1163
 - lead sinkers, sale and use limited HB 1527
 - licenses
 - agents, termination of contract for violation; penalties HB 1403
 - deer, special permit to take extra deer; archery license, additional deer taken HB 1144
 - fishing, one-day family fishing HB 1111
 - special for elderly, muzzle-loading firearms and bow and arrow included HB 1140
 - wildlife management habitat stamp required HB 1475
 - lobster management plan HB 1555
 - marine species, property seized returned to owner, conditions HB 1266am
 - moose hunting
 - some permits reserved for senior citizens HB 1395
 - special permit for certain large landowners HB 1464
 - oysters, aquaculture permitted HB 1440am
SB 708
 - sea urchins, helpers not allowed for taking by diving; reciprocity
 - required for nonresident licensees HB 1439
 - shellfish waters, monitoring, rulemaking HB 211
 - trapping
 - liability limited for injury to domestic animals SB 529
 - use of lights to check traps and carrying firearms allowed SB 569
 - use of snares, study SB 567
 - waterfowl stamps, fixing to license repealed; expiration date; special
 - accounts for each stamp in fish and game fund HB 1440am
 - wolves, release in NH prohibited HB 1100
- Fitzgerald, Ann**, House committee research coordinator, employee of the month 180
- Flammability testing** of seating furniture in public buildings HB 569
- Food**, groceries defined, sale excluded from taxable meal under meals and rooms tax HB 576
- Forensic toxicologist**, public health services, appointment SB 709am
- Forests**
- and lands division transferred to natural resources department HB 1295

Forests (cont.)

export of unprocessed logs, urging Congress to regulate in Eastern states	SCR 10
inventory analysis; appropriation	SB 655
laws revised and recodified	SB 128am
Northern Forest Lands Council recommendations, study	SB 653am
northern NH, Congress urged to protect self determination for citizens	HCR 31
protection bureau, fire control appropriation changed	HB 1551am
state land, export of timber limited	HB 1326
timber yield tax repealed	HB 1563

Forfeitures

drug offenses, limited; stayed during criminal proceedings; no forfeiture if found not guilty; guidelines and report by attorney general; study	HB 660
motor vehicle being driven by person convicted of second offense DWI	HB 1359

Foundation aid

1/2 of operating budget surplus credited to	SB 769
Augenblick formula fully funded by 1996	HB 1319
distribution formula changed	HB 193
formula	
distribution of fireworks tax	HB 625
medicaid enhancement fund used to augment	HB 491
repealed	HB 1584

Franchise tax, public utility defined to exclude sale of gas; gross

receipts defined to exclude sale of electricity for motor vehicles	SB 756
--	--------

Franklin

reimbursement for employer's contribution to retirement system in contested employment case, appropriation	HB 1551
US route 3, improvements and traffic signals at various intersections	HB 1268

Freedom village water precinct, actions ratified HB 1211am**Friendship House, Bethlehem, patients, fishing by permit** HB 1170**Fuel, electric or natural gas, for motor vehicles, persons selling**

unregulated; utilities selling regulated by PUC	SB 768
---	--------

G**Gambling**

bingo	
charitable organizations operating, spouses of members may assist	HB 1133
statewide program	HB 517
casino	
and electronic games, referenda	HB 1160
feasibility of establishing, study	SB 793am
commission, formed from racing, greyhound racing, pari-mutuel and sweepstakes commissions	HB 1195
instant lottery tickets made from recyclable and recycled materials	SB 513
keno lottery game authorized	HB 691
marketing strategies and consumer attitudes, study	HB 691
video	
lottery games	SB 162
or electronic games of chance, legislative approval required	HB 1245

Garnishment, pension money, retirement and profit-sharing benefits exempt, exceptions HB 1287**Gary Parker memorial highway named, route 28, Wolfeboro** HB 1460**Gas utilities, service connected in owner's name after termination of service to tenant** HB 1220**Gasoline**

floor tax imposed	HB 661
motor fuel, sales, standards for quality, additives, and grading; testing of storage tanks; inspection and testing fund	HB 1485
tax repealed	HB 1563

Gearity, Joseph, memorial highway named, route 25, Rumney HB 1460

Gender

- discrimination in motor vehicle liability insurance prohibited HB 394
- neutral language required in drafting bills and resolutions HB 387
- specific terminology removed from constitution CACR 35

General court. See also: House of representatives; Senate

- approval for naming of state-owned buildings and certain formations, exception HB 1428
- approval of video or electronic games of chance HB 1245
- biennial sessions CACR 32

CACR 33

bills and resolutions

- fiscal note for impact on corrections system; exemption for bills
 - changing penalties repealed HB 1404
- sponsor's statement of original intent HB 1297

committees, public proceedings and nonpublic sessions recorded; access,

- applicability of right to know law HB 1497

ethics committee, jurisdiction, membership, duties, and complaint

- procedures changed HB 1578

former members prohibited from becoming lobbyists for 2 years HB 1298

house of representatives, size decreased; senate, size increased CACR 34

leaders, and governor, meetings with local government advisory committee HB 370

legislative intent, municipal ordinances not preempted unless expressly stated HB 1365

members

- emergency interim succession act repealed HB 510
- gifts, honoraria, and testimonials redefined; reporting requirements HB 1318
- group health insurance, portion paid by state HB 1417
- mileage allowance for new members attending legislative orientation HB 1289
- salaries changed CACR 28
- term limits prohibited HB 1306
- terms limited CACR 38

NH Bar Association dues paid for attorney employees HB 1408

sessions and hearings held after 5:00 p.m. HB 1340

Genetic testing for employment or insurance purposes prohibited HB 1423**Gift** giveaways, prizes and gifts act; disclosure HB 1545**Gifts** and honoraria, elected state and county officials,

- definitions changed; reporting requirements HB 1318

Glenciff home for the elderly

- employee pay differential, determination by director of mental health and developmental services division HB 519
- residents, uniform rates to cover expenses established by mental health and developmental services director; administrative procedure
 - rules need not be followed HB 1118

Goffstown, service provided by Dunbarton Telephone Company

- investigated by PUC HB 1575

Gorman, Rep. Donald W.

- parliamentary inquiry re voting on HB 1538 383
- remarks regarding Libertarians 1046

Governmental reorganization commission HB 1368**Governor**, Stephen Merrill

- address, state of the state 30-35
- and council

- acceptance of gift of *Union Leader* building in Manchester HB 1446

- appointment of state board of education members removed HB 1128

- county attorneys appointed by CACR 31

- and legislative leaders, meetings with local government advisory committee HB 370

- chair of NH quality management council HB 1276

- elect, financing transition, appropriation HB 1580

- emissions inspection and maintenance program, may add or remove counties HB 1224

- state agency commissioners to serve at pleasure of the governor HB 677

Governor, Stephen Merrill (cont.)**vetoed**

access to health care facilities, unlawful interference and harassment, penalties	HB 1225
AFDC, additional employment support; shelter and maintenance components combined; self-employment investment program expanded	SB 753am
AIDS/HIV education handbook, publication required	HB 1325
dental coverage for adults, appropriation	SB 787
elections, candidates, one party only	HB 531
foundation aid, Augenblick formula fully funded by 1996	HB 1319
habitual offenders mandatory minimum sentence reduced	HB 1394am
mental health coverage, freedom in selection of providers	HB 1456
NH Legal Assistance, funds from civil action entry fee surcharge for civil representation of low-income persons	SB 758
probation-parole officers, interference with duty a crime; retirement system, group II	HB 1237am
state agency fee reform	HB 652

Granite state cultural legacy award HB 1372

Great ponds

electric powered craft allowed except on public water supplies, study	HB 1362
public water supply, contact with water allowed at certain times when boating	HB 1240

Green Tanning Corporation dam, Milton, acquisition by water resources division HB 1162

Grocery stores, groceries defined, sale excluded from taxable

meal under meals and rooms tax	HB 576
--------------------------------------	--------

Gross, Rep. Caroline L., res on death HR 44

Groveton, town of Northumberland name changed, local vote HB 1328

Guardian ad litem

appointment under statutory authority; state to pay all costs; complaint procedure	HB 1386
court appointed special advocates	SB 667

Guardians**and conservators**

probate court jurisdiction limited	HB 1291
settlements on behalf of minors, court may approve payment of proceeds after minor reaches age of majority	SB 660
minors, confidentiality of proceedings	HB 1573

H

Habeas corpus writ filed in superior court of the county in which person is imprisoned HB 1176

Habitual offenders, motor vehicles

driver attitude training program extended	SB 727
home confinement in addition to other sentence for DWI habitual offender	SB 611
unlawful operation, mandatory minimum sentence reduced	HB 1394am

Hampton

boundary line with Seabrook altered, referendum	HB 1588
route 51 redesignated as route 101; appropriation	SB 644

Handguns. See: Pistols and revolvers

Hanover, school district special meeting legalized SB 810

Harassment, purpose added; definition of communicates broadened to

include any method of transmission	HB 1525
--	---------

Harbor masters, marine patrol responsibilities HB 610

Haverhill, Mountain Lakes district zoning authorized SB 809

Hazardous materials, municipal environmental investigation prior to tax sale;

lien to remain in effect if municipality will not accept the deed	HB 1476am
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Hazardous waste

cleanup fund, used oil marketers exempt from fees if oil is recycled	HB 472
--	--------

Hazardous waste (cont.)

management, strict liability of owner; definitions of foreclosure, mortgage interest, and tax lien	HB 1476am
operator permits, municipalities exempted from fees	HB 676
site assessment for mortgage loan application, bank to allow applicant to select firm from list supplied by the bank	HB 1347
spills in rivers, town to notify environmental services and downstream towns	HB 1496
used oil collection centers	HB 260am

Head injuries, mental health and developmental services efforts to assist supported HB 1118am**Health and human services**

child care advisory committee established	HB 1177
civil commitment of sexually violent offenders after completion of criminal sentence, procedure	HB 1540
commissioner	
drug use review board compensation, rulemaking	SB 604am
office of health planning, allocations from health care transition fund; subsidized insurance for low-income workers	SB 791am
portion of 1993 capital improvements appropriation used for relocation of day care center on NH hospital campus	HB 1119
settlement of small claims against the department	SB 541
state health plan developed by	SB 779
to serve at the pleasure of the governor	HB 677
disabled who are "wait listed", funding of services, study	HBI 21
home and community based care services for elderly and disabled	SB 625am
interagency family assistance teams	SB 748
ophthalmic dispensing board administratively attached	SB 599
supplemental appropriations to various programs from medicaid funds	HB 1050

Health care

access, small employers, statute revised	HB 341
authority, administration of NH universal health care plan	SB 789
Capital Wellness Inc.	SB 807
durable power of attorney, intent regarding medication to alleviate pain and discomfort	HB 1400
elderly, long term services study extended	HB 1574
exclusivity contracts between insurers and providers, study	SB 539am
facilities	
access, unlawful interference and harassment, penalties	HB 1225
certificate of need policy clarified, collaboration among providers encouraged	HB 1158
certificate of need, standards required for any increase in beds; exemption repealed	HB 1482
long-term care, notification to patient of availability of medicaid certified beds; limitation on involuntary transfer or discharge of certain patients	HB 1445
medical records, copy provided to patient; cost limited	SB 639
or provider, notification to Red Cross if recent blood donors have certain communicable diseases	HB 1249
issues in NH, study	SB 777
long-term, in-home care preferred; philosophy to be family centered and community based	HCR 20
medical decision-making for those unable to make their own decisions	HB 1576
medical records confidential, remedy for violations	HB 1452
naturopathic, licensing and regulation	HB 451
patient access to information about providers and quality assurance process, study	SB 523am
physician's continuing education requirement, pain treatment program	HB 1480
provider cooperative agreements, study	HB 1461
	SB 791
reform coordinating committee, development of NH health plan	SB 791am
state plan developed by health and human services commissioner	SB 779
transition fund	
access to health care, from medicaid funds, supplemental appropriations to various programs	HB 1050
allocations	SB 791am

Health education review committee	HB 1433
Health maintenance organizations	
continuation of benefits to family after member becomes ineligible	SB 555
coverage for certain biologically based mental illnesses	SB 767
explanation of benefits in clear and simple terms	SB 518
group policies, late enrollees provision changed; standardized medical benefits forms	HB 341am
mental health coverage, freedom in selection of providers, conditions	HB 1456
Health related research, public health services director, approval	
of release of vital record information	HB 1116
Health service corporations	
may not deny enrollment to children under parent's health care coverage	SB 743
mental health coverage, freedom in selection of providers, conditions	HB 1456
nonprofit	
explanation of benefits in clear and simple terms	SB 518
group policies, late enrollees provision changed; standardized	
medical benefits forms	HB 341am
Health services	
planning and review board, members changed	HB 1158am
	SB 779
structure of administrative and service delivery areas, study	HB 1353
Hearing aid dealers, board name changed to hearing aid consumer protection	
board; continuing education; canvassing prohibited; fees increased	HB 1338
Hemon, Rep. Roland E., special report of legislative ethics committee	
recommending reprimand (RC)	1041-1045
Hepatitis B prevention, sale of hypodermic syringes without prescription;	
safe disposal and information on drug addiction treatment	HB 1483
Heroin possession and sale, penalties increased	HB 1107
High tide, definition modified as applied to wetlands	HB 154
Higher Education Loan Corporation, NH, acquisition of student loans in	
accordance with federal law; directors and employees indemnified	SB 535am
Higher educational and health facilities authority, bonds A rating	
requirement repealed	SB 535
Highway agent optional elected office, procedure for discontinuance	HB 1206
Highway fund, revenues from motor carriers deposited in	HB 257
Highways	
10 year transportation plan	HB 1010
and bridge betterment programs, purpose modified, adequate	
maintenance of nonfederal aid system; report	HB 661am
Bedell state park access road, upgrade by transportation department; appropriation	HB 1501
bridges	
carrying capacity of construction and reconstruction using bridge aid	
funds; bridges in two municipalities, mutual agreement on costs	HB 1217
covered, arson; minimum mandatory sentence	HB 1180
state aid, priority; use of insurance funds; apportionment of betterment funds	HB 1529
Central NH turnpike, Merrimack, certain southbound tolls eliminated	HB 1271
certain municipal roads, maintenance, referendum	HB 1526
class IV, V, or VI, discontinuance, notice to abutting owners removed	HB 680
class VI and private ways, town maintenance of emergency lanes	HB 1474am
classification, Stratham Heights Road, Stratham	SB 686
competitive bid may not be rejected because it includes the use of	
asphalt pavement containing recycled rubber	HB 1273
construction	
1991 long range program repealed; statewide transportation	
improvement program	HB 1539
zone, reckless driving, penalty increased; signs posted	HB 1214

Highways (cont.)**Eastern NH turnpike**

- design and construction of easterly approach from Scammell bridge
 - in Dover, appropriation HB 1518
- exit 6 redesign and reconstruction HB 1518am
- exit 6 redesign and reconstruction, funds allocated SB 781
- expansion over Little Bay HB 1348
- redesign between exits 11 and 16 HB 1488
- funds transferred from municipal bridge aid to highway aid bridge
 - betterment program; highway surplus account and highway
 - and bridge betterment, appropriation SB 794am
- I-93, Thornton, construction of ramps SB 648
- Nashua pilot program testing alternate deicing methods SB 637am
- outdoor advertising. *See: Outdoor advertising*
- rest areas in charge of vacation travel office director HB 1197
- route 12 bypass around Troy, and reconstruction of bridges over
 - Connecticut River, Chesterfield, appropriations, bonds HB 647
- route 25, Rumney, named Joseph Gearity memorial highway HB 1460
- route 28, Wolfeboro, named Gary Parker memorial highway HB 1460
- route 51, Stratham, Exeter, and Hampton, redesignated as route 101; appropriation SB 644
- route 135 in Dalton, railroad overpass, study HB 661am
- salt, use of sand or other chemicals, study HB 319
- sidewalk construction in Weirs Beach SB 766
- Tri-Cothic Road, Ellsworth, maintenance and plowing in winter
 - by transportation department SB 764
- turnpikes, tolls
 - abolished HB 1314
 - collection system, study HB 1382
 - increases, moratorium HB 1382
 - system, fairness; construction financed through alternate means, study SB 678
- US route 2, Congress urged to include in national highway system HJR 20
- US route 3, improvements and traffic signals at various intersections
 - in Franklin and Tilton HB 1268
- US route 4 between NH route 108 and Scammell bridge, study HB 1374

HIV. *See: AIDS***Holidays**

- Civil Rights Day, name changed to Martin Luther King, Jr. Civil Rights Day SB 595
- Washington's birthday changed to Lincoln and Washington Day HB 1407

Hill, Michael, former deputy speaker, remarks on leaving the House 95

Homestead right, levy by sale of execution on real estate, notice required; procedure HB 1371

Homicide

- capital murder, causing death of judicial officer HB 1104
- negligent
 - DWI, mandatory sentence, study HBI 20
 - from driving motor vehicle, lifetime license revocation if 3 previous DWI convictions SB 608

Homosexuals, discrimination based on sexual orientation prohibited HB 1432

Horses

- police, killing a class B felony HB 1188
- racing
 - commission replaced by gambling commission HB 1195
 - pari-mutuel commission, payment for laboratory urine tests; extension
 - of time for simulcast racing HB 1272am
 - pari-mutuel tax and distribution repealed; replaced by payment,
 - percentage of yearly handle HB 691
 - Rockingham Park, pari-mutuel pools, breakage for 1995-1997; lump sum
 - payment to affect tax rate HB 576am
 - sire stakes program, statutes repealed HB 1121

Horstmann, Rev. Edward G., House chaplain, prayer at opening of session 1

Hospice house staff members, administration of medicine SB 709am

Hospital, NH

day care center, portion of 1993 health and human services capital improvements appropriation used for relocation	HB 1119
employees suspected of having contagious disease, statutory provision repealed	HB 1119am
patients, uniform rates to cover expenses established by mental health and developmental services director; administrative procedure rules need not be followed	HB 1118
person incompetent to stand trial, hearing and determination of dangerousness before evaluation for involuntary admission	HB 1164
security force, patrol area clarified; employees with contagious disease, utilization of certain services repealed	HB 519

Hospital service corporations

certified clinical social workers services covered	HB 1453
coverage for certain biologically based mental illnesses	HB 1466am
explanation of benefits in clear and simple terms	SB 767
psychiatric/mental health advanced registered nurse practitioners services covered	SB 518
psychiatric/mental health advanced registered nurse practitioners services covered	HB 1466

Hospitals

certificate of need	
policy clarified, collaboration among providers encouraged	HB 1158
standards required for any increase in beds; exemption repealed	HB 1482
health care provider cooperative agreements, study	SB 791
long-term care, notification to patients of availability of medicaid certified beds; limitation on involuntary transfer or discharge of certain patients	HB 1445
meals and rooms tax exemption reinstated	HB 1424
quality assurance committees, patient access to information, study	SB 523am

Hotel full service restaurants, alcoholic beverage license, food sale requirement reduced HB 1321am**House of representatives**

400 separate election districts	HB 1215
clerk. See: Clerk	
declaration of candidacy filed with secretary of state	HB 632
employees of the month	
Ann Fitzgerald	180
Lily Carson	403
Marge Colburn	815
Dani Lyford	815
leadership appointments	2
members	
committee assignments	2-3
deaths	1067
inhabitant and domicile requirements	HB 1130
qualified	1, 2, 296, 419, 674, 1067
resignations	1-2, 180, 419, 950-951, 1009-1010, 1067
vacancy filled by vote of county convention	HB 1457
referenda on decreasing membership; increasing compensation; amending travel allowance	HB 1199
rules. See: Rules, House	
sessions and committee meetings televised, urging Speaker to study	HR 48
size decreased	CACR 34
special election candidates, filing with town or city clerk	HB 1566am
staff member of the year, Leo Callahan	951
term limits prohibited	HB 1306
US, term limits prohibited	HB 1311

Housing, congregate, elderly and adult services, appropriation

for federal matching funds	SB 702
----------------------------------	--------

Housing finance authority

affordable housing fund, lead abatement loans	SB 650
loans to residential care homes and supported residential care facilities for fire safety equipment	SB 230

Human immunodeficiency virus. See: AIDS

Human rights

- commission
 - discrimination based on genetic characteristics prohibited HB 1316
 - discrimination based on sexual orientation prohibited HB 1432
 - hiring authorization, appropriation; time for disposition of complaints HB 1213
- employment discrimination, failure to consider for employment SB 676am

Human services

- child support
 - enforcement office not to collect support debt if family has reunited;
 - additional staff, appropriation SB 759
 - enforcement orders, employer and health insurance information required HB 1114
 - office, parental liability for public assistance for child, limitation of debt HB 1147
 - payments, certain paid to division SB 90
 - dental coverage for adult medical assistance recipients, appropriation SB 787
- director
 - AFDC, additional employment support; shelter and maintenance components
 - combined; self-employment investment program expanded; rulemaking SB 753am
 - request for federal waiver to allow medicaid coverage for certain adults aged 18-64 SB 775
 - residential care facilities, recipients of assistance, social security
 - cost of living increases not to decrease state's contribution HB 635
- emergency assistance program expanded to non-AFDC families with
 - children; local payments matched by federal funds SB 723
- jobs program, supplemental appropriation HB 1050am
- prohibition on certain branch offices repealed SB 709am
- state senior physician, appointment SB 709am
- structure of administrative and service delivery areas, study HB 1353

Humane societies without animal shelters, licensing, inspection of facilities HB 1304am

Hunting. See: Fish and game, hunting; Deer, hunting

Hypodermic syringes

- pilot needle exchange program to combat AIDS HB 1532
- sales, prescription required for minors only; safe disposal and
 - information on drug addiction treatment; schools exempted from
- law prohibiting sales except by pharmacies HB 1483

I

Identification cards, nondriver's, for ages 16 and over SB 707

Impact fees imposed on capital facilities of a cooperative or regional school district HB 1469

Impeachment proceedings urged against Strafford county probate

judge Gary R. Cassavechia HR 46

Incinerators, municipal, Clean Air Act compliance, state aid HB 1358

Income tax, interest and dividends

- exemption
 - elderly and disabled HB 1148
 - losses under business finance authority equity investment program HB 170
 - subchapter S corporation earnings HB 1493
- grantor trusts, taxation SB 736am
- repealed HB 1563

Incompatible offices

- any city, town, or village district office and any county office HB 1307
- elected state or local office and employee of liquor commission HB 1172

Independent contractors, licensing HB 1492

Indians, urging the return of certain Native American remains from the

Museum of Natural History in Paris, France HJR 21

Indigent defendants, attorneys' fees and expenses, repayment

schedule from cost containment unit SB 548

Individual retirement accounts, seizure, setoff, or attachment limited; legal process required	SB 561
Industrial development authorities, towns; development outside town allowed; multi-municipality authorities	SB 508
Industrial heritage commission, membership increased; termination date removed	SB 630
Industrial research center, UNH, name changed from industrial technology research and innovation center; grant-related services; short-term activities, no matching funds	SB 697
Inhabitant and domicile requirements for state representatives	HB 1130
Inheritance tax joint ownership exemption; amount	SB 144
repealed	HB 1563
Initiative petitions	CACR 12
Insulation, disclosure required prior to sale of property for use as a one to 4 family dwelling	HB 388am
Insurance	
accident and health	
access, health care transition fund	HB 1050
and life, technical amendments	SB 555
children, insurer may not deny enrollment under parent's health care	
coverage; medical child support, assignment of wages	SB 743
city or town's group plan open to any resident at own expense	HB 1564
exclusivity contracts between health care insurers and providers, study	SB 539am
explanation of benefits in clear and simple terms	SB 518
group or blanket policies, discrimination on basis of health risk	
prohibited; late enrollees provision changed	HB 341
group policies, certain biologically based mental illnesses, coverage required	SB 767
group policies, certified clinical social workers services covered	HB 1453
	HB 1466am
group policies, notification requirements of plan administrator	HB 1233am
group policies, psychiatric/mental health advanced registered nurse	
practitioners services covered	HB 1466
health care authority, administration of NH universal health care plan	SB 789
medicare supplemental insurance regulated	SB 525
mental health coverage, freedom in selection of providers, conditions	HB 1456
prescription drugs, requiring mail order or specific pharmacy prohibited	HB 526
small employer and individual insurance; community rating; preexisting	
condition provision	SB 711
small employers, statute revised; standardized medical benefits forms	HB 341am
subsidized program, affordable coverage for low-income workers	SB 791am
commissioner	
administration of uninsured motorist claims fund	HB 1562
and deputy, 4 year terms	HB 677am
residency defined for motor vehicle insurance purposes; criteria	SB 717
companies	
foreign, reinsurance credits extended to groups of incorporated	
underwriters; conditions	SB 574
information and privacy protection	SB 554
life and health, financial regulation; risk-based capital reports	SB 695
which indemnify victims, restitution as part of criminal sentence; priority of claims	HB 1227
department, fees for filing documents increased	SB 550
fire and homeowner, discount for approved fire extinguishers	HB 630
genetic testing as a condition of obtaining insurance prohibited	HB 1423
liability	
motor vehicles. See: Motor vehicles, liability insurance	
notification to clients if certain professionals do not carry malpractice insurance	HB 1437
risk retention groups not chartered in NH must meet NH definition	SB 526
state contracts, amounts changed	HB 583
policies, declaratory judgments to determine coverage, time limit; jurisdiction	SB 722
premium tax repealed	HB 1563

Interest	
delinquent state obligations, interest charge by town or county	SB 735
rate changed	
judgments and business transactions	HB 382
payment of delinquent and subsequent taxes	SB 710
waived, overdue property tax payments after reappraisal	HB 1351
Intermodal statewide transportation improvement program	HB 1539
International trade, pilot telecommunications link to disseminate	
leads from Pease international trade center	SB 632
Interstate compacts	
northeast interstate dairy compact, appointment of NH delegates	HB 1108
solid waste, NH/VT, financial crisis, study	HB 1390

J

Jails. See: Corrections	
James O. consent decree, additional reimbursement for certain	
special education pupils	HB 1165am
Jasper, Rep. Shawn N., remarks on not being able to seek re-election	986
Jewelers' liens, "alter" clarified; sale to satisfy debt, time limit changed	SB 532
Job training council, support and administrative staff for NH	
executive board for national and community service	SB 763am
Jones, Rev. David P., guest chaplain	403
Joseph Gearity memorial highway named, route 25, Rumney	HB 1460
Joyriding, penalty increased	HB 1376
	SB 542
Judges	
chosen by lot from pool of attorneys	CACR 27
knowingly causing death of, capital murder	HB 1104
Judgments	
interest rate changed	HB 382
out of state, for failure to pay income tax on pensions or income earned	
at Portsmouth Naval Shipyard, enforcement prohibited	SB 597am
revised uniform enforcement of foreign judgments act adopted	HB 1153
Judicial council	
administrative attachment of marital mediator certification board,	
sunset review repealed	HB 1110am
judicial system study expanded to resolution of family issues; members added	HB 1135am
legal validity of faxed documents, study	HB 1369am
July 28, 1994, Parents' Day	HR 41
June, porcelain art month	HCR 24
Junk motor vehicle dealers, name changed to automotive recycling dealers;	
number of plates furnished by safety department increased	HB 1313
Junkin, Rev. Hays M., guest chaplain	619
Jurors	
alternates may be excused by the court at the start of jury deliberations	SB 515am
district court designated regional jury trial court, free parking	HB 1138
Justice department	
attorneys, knowingly causing death of, capital murder	HB 1104
consumer protection and antitrust bureau	
investigation and prosecution of disciplinary proceedings before state	
licensing boards	HB 178am
listing of persons who do not wish to receive telephone solicitations	HB 544
notified of impending closing of manufactured housing parks	HB 1159
motor vehicle leases, notification to consumers, rulemaking	HB 1357

Justification, deadly force HB 167

Juvenile delinquents

alternatives to secure commitment at YDC, study SB 784
 case and court records, release of limited information to victims and
 law enforcement agencies; confidentiality HB 1586
 indigent, attorney's fees and expenses, repayment schedule from cost
 containment unit; liability for repayment to end at age of majority SB 548

Juvenile services officers, name changed to juvenile probation-parole officers SB 618

K

Kayaks, personal flotation devices required at certain times of year SB 714am

Keene union school district charter amended; moderator and clerk
 elected to 3 year terms; referendum HB 1293

Kelly, Virginia, mother of President Clinton, remarks on her death 160-161

Keno, video lottery game, authorized HB 691

Kindergarten

financed by increasing various taxes HB 1520
 incentive aid, loans to school districts SB 728
 incentive program, increase in school building aid HB 1458
 parent training for home education HB 1324
 statewide program, study SB 654

King, Martin Luther, Jr., Civil Rights Day to replace Civil Rights Day SB 595

L

Labor

commissioner
 and deputy, 4 year terms HB 677am
 workers' compensation information disclosure by insurance companies
 and self-insured employers SB 649
 workers' compensation medical fee schedules based on best plan at lowest cost HB 1567
 department
 certain hot water boilers exempted from inspection HB 1565
 civil penalties, amount increased; independent contractors, licensing HB 1492
 dispute resolution coordinator, manager of safety, training, and injury
 prevention, and other positions HB 1579
 discrimination, failure to consider for employment SB 676am
 employee leasing companies, licensing and regulation SB 740
 employees wages, duty of employer and insurer regarding failure to
 deduct and loss of benefits HB 1233
 genetic testing as a condition of obtaining employment prohibited HB 1423
 low-income workers employed in small businesses, subsidized insurance program SB 791
 right to work, union membership requirement prohibited HB 1330
 salaried employee defined; payment criteria SB 603
 tax credits to aid in job creation, study HB 1258
 workers' personal care assistance program, subsidy amount and
 annual income increased SB 749

Laconia developmental services, employee pay differential determined by
 director of mental health and developmental services division HB 519

Lake Sunapee, live bait fishing permitted SB 708am

Lake Winnepesaukee, Camp Alton property acquisition for state park, study SB 547am

Lakes

electric powered craft allowed except on public water supplies, study HB 1362
 public water supply, contact with water allowed at certain times when boating HB 1240

Lakes Region Planning Commission, conference center, feasibility of
 establishing in lakes region, study; appropriation SB 701

Land

- appeals. See: Tax and land appeals board
- deeds and conveyances, rights of reversion limited SB 540
- open space
 - aircraft operating areas included HB 1302
 - current use, ten year enrollment period required; land use
 - change tax rate changed HB 1421
- use change tax, penalty assessment for land which changes more than
 - once in ten years; current use reimbursement fund, distribution
 - to certain municipalities HB 570

Land surveyors

- examinations, after 3 failures additional experience, study, or education
 - required before being allowed to take exam again SB 803
- joint board, funds transferred HB 178am
- notification to clients if no malpractice insurance is carried HB 1437
- proprietorships, corporations or partnerships, certificates of
 - authorization; administrative fines; nonresident corporations, restrictions SB 149

Landfills, unlined, closures, grant program to aid municipalities HB 317am**Landlord and tenant**

- eviction for nonpayment of rent, escrowed rent money, requirements
 - and procedure HB 1470
- lead poisoning prevention in children, case management, 60 day period HB 1473
- manufactured housing parks
 - board to address park rules HB 639
 - displacement due to change in land use, relocation expenses paid to tenants HB 1159
 - land fee increases, explanation required HB 1187am
 - operators licensing, inspection HB 1269
 - relocation of abandoned manufactured homes, study SB 573am
 - rules regarding number of persons, prohibiting subletting, and not
 - conforming to Fair Housing Act prohibited HB 1202
 - violation of statutory provisions are unfair trade practices, enforced
 - as under consumer protection act; civil penalty HB 1115
- utility service connected in owner's name after termination of service to tenant HB 1220

Landowners liability limited, land used for outdoor educational purposes HB 480**Landscape architects, certification SB 165****Language**

- gender neutral, required in drafting bills and resolutions HB 387
- gender specific terminology removed from constitution CACR 35
- speech pathologists, license waiver period changed HB 1110

Law enforcement

- agencies
 - access to juvenile delinquent records, conditions; confidentiality HB 1586
 - model policies and procedures provided by police standards and training council SB 606
- dogs or horses, killing a class B felony HB 1188
- memorial, design and construction HB 1231
- officers
 - additional training in sexual assault cases SB 771
 - arrest at medical facility outside jurisdiction after traffic accident involving DWI HB 1247
 - assault on, penalty HB 1126
 - elected, background investigations by police standards and training council SB 522
 - group II retirement system, disability retirement, medical benefits
 - for those who became members between 1988 and 1991 HB 656
 - optional elected, procedure for discontinuance HB 1206
 - recovery for injuries caused by wanton or wilful conduct of others HB 579
 - recovery for personal injuries, fireman's rule rejected HB 401
 - required to take certain persons into protective custody; examination
 - for involuntary emergency admissions SB 235
 - requiring aid in a criminal case, failure to render suitable aid a violation SB 516

Law enforcement (cont.)**officers (cont.)**

trained in assisting sexual assault victims; state police jurisdiction	
in towns whose police have not been trained	HB 1239
unmarked vehicles prohibited in enforcement of motor vehicle offenses	HB 1355
unmarked vehicles prohibited in enforcement of motor vehicle offenses at night	HB 1366
wiretapping, emergency interceptions	HB 1181

Law library

funds from civil and criminal contempt fines deposited into account	
for education purposes	HB 1521
powers and duties transferred from state library to supreme court;	
legislative indexing transferred to state librarian	HB 1516
state department; county libraries; education emphasized	HB 1522

Lead poisoning prevention

in children, case management, 60 day period before landlord must act	HB 1473
lead abatement loans from housing finance authority affordable housing	
fund; sources of funding, study	SB 650

Lead sinkers, sale and use for fishing limited HB 1527**Leases**

motor vehicles, disclosure	HB 1357
rent-to-own agreement act	SB 747

Legislative budget assistant, policy analysis of state agencies SB 143**Legislative ethics committee, special report to the Speaker recommending**

reprimand of Rep. Hemon (RC)	1041-1045
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Lemon law

limitation of actions; resale of vehicle found to be defective prohibited	HB 1420
new motor vehicle redefined; member added to arbitration board; times	
changed; limitation of actions	HB 1117
recreational vehicles, separate arbitration board, study	HB 1154am

Liability

reporters of child abuse, immunity provision repealed	HB 1530
strict, owner of hazardous waste site	HB 1476am

Liability limited

landowners, land used for outdoor educational purposes	HB 480
physical therapist professional standards review organization members	HB 1449
state land opened for recreational use	HB 1163
tax sales, municipal liability for contaminated property limited	HB 1476
town's liability for riot damage repealed	SB 530
trapper, for injury to domestic animal	SB 529
used oil collection centers	HB 260
volunteers, government entity defined	HB 1182

Libraries, public, trust fund annual report to attorney general repealed HB 679**Licenses**

accountants, statute revised	HB 1194
animal boarding facilities	HB 1205
art therapists	HB 1384
athletic trainers	SB 733
cashers of checks and issuers of money orders	HB 1145
cats, local option	SB 586
dental hygienists	SB 658
electrologists, requirements; fees; disciplinary actions	SB 503
employee leasing companies	SB 740
fish and game. See: Fish and game, licenses	
independent contractors	HB 1492
landscape architects	SB 165
manufactured housing park operators	HB 1269
motor fuel distributors and dealers	HB 1485

Licenses (cont.)

motor vehicle retail installment sales and sales finance companies, requirements	HB 1142
natural scientists, soil scientists, and wetlands scientists	HB 624
naturopathic health care	HB 451
ophthalmic dispensing	SB 599
out of state pharmacies, registration required	HB 1500am
pistols and revolvers	
carrying without license, second offense, penalty modified by time limitation	SB 587
license to carry, permanent after 6 years	HB 1178
license to carry, renewal date changed	HB 1364
license to carry, self-defense a proper purpose; valid for all allowable purposes	HB 1175
license to carry, self-defense a proper purpose; valid for all	
purposes; renewal date changed	SB 562
plumber, retired	HB 413
private pesticides applicators, registration and permit fees	HB 1185am
real estate inspectors	HB 1286
tattoo parlors and practitioners	HB 1507
title insurance agents	HB 1334
vocational rehabilitation providers	HB 1323
water treatment plants, persons authorized to treat the water	HB 1250

Liens

jewelers', "alter" clarified; sale to satisfy debt, time limit changed	SB 532
manufactured housing, procedures	HB 1416
taxes	
elderly and disabled, procedure after death of owner if property is not	
redeemed by heirs	SB 688
sale of property, portion of proceeds returned to previous owner	HB 618

Life saver identification label program lapse date extended HB 1294am

Limitation of actions

child abuse civil action	HB 1465
new motor vehicle arbitration	HB 1117am
	HB 1420
notification to clients if certain professionals do not carry malpractice insurance	HB 1437
tax refunds, claims filed within 120 days	HB 1493am

Limitation of liability. See: Liability limited**Limited liability companies**

representation in small claims actions by non-attorney, written	
authorization clarified	HB 1349am
technical amendments; ultra vires acts; exemption from registration of securities	HB 1255
workers' compensation, up to 3 members excluded from coverage	HB 1216

Lincoln and Washington Day, holiday name changed from Washington's birthday HB 1407

Liquor commission

agency store in Center Harbor	SB 600am
employees may not hold elected state or local office	HB 1172
liquor sales privatized; commission responsible for licensing	HB 1547
membership reduced to one; commissioner of liquor sales	HB 1196
purchases from primary sources, exemption	SB 594am

Lisbon, 1993 meeting legalized; bond issuance for construction of

sewer and water disposal facility	HB 1577
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Literacy skill development program, appropriation SB 504

Little Bay, Newington-Dover, Eastern NH turnpike expansion HB 1348

Littleton water and light department charter amended, referendum HB 1587

Live free or die or Scenic New Hampshire, choice of motto on motor

vehicle number plate	HB 1561
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Living will

intent regarding medication to alleviate pain and discomfort	HB 1400
medical decision-making for those unable to make their own decisions	HB 1576

Loans

consumer credit	
late payment charges authorized	SB 558
open-end transactions, interest, advance collection prohibited, computation	HB 1142
reporting agencies, use of information limited; lists, exclusion	HB 1396
reporting, exclusion from pre-screening lists; procedure in cases of disputed accuracy	HB 1320am
nondepository first mortgage, second mortgage home loans, and small loans, examination by bank commissioner, payment of costs	HB 1580am
Lobbyists, former members of the general court prohibited from becoming lobbyists for 2 years	HB 1298
Lobsters, management plan	HB 1555
Local government advisory committee	HB 370
Lottery tickets, instant, made from recyclable and recycled materials	SB 513
Lumber, building construction, use of native lumber graded, certified or stamped by registered mills; standards for graders; administrative fines	HB 1468
Lyford, Dani, assistant to the Sergeant-at-arms, employee of the month	815

M

McNerney, Rep. Daniel P., res on death	HR 43
Magazines, unsolicited non-subscription publications, hand-delivery stopped after notification by recipient	HB 1341
Maine, NH border dispute concerning Portsmouth Naval Shipyard and inner harbor, attorney general to pursue settlement	SB 754
Malpractice	
insurance, notification to clients if certain professionals do not carry	HB 1437
physicians, lowering insurance rates and capping amount of damages, study	HB 1389
Manchester	
civic/exposition center, feasibility, appropriation	SB 643
officials, added to industrial heritage commission	SB 630
Union Leader building, acceptance of gift by state; administrative services commissioner to determine best use of building	HB 1446
Manufactured housing	
liens, procedures	HB 1416
parks	
board to address park rules	HB 639
displacement due to change in land use, relocation expenses paid to tenants; notification of officials prior to closing of park	HB 1159
operators licensing, inspection	HB 1269
owners required to sign deeds, time and fee limited; land fee increases, explanation required	HB 1187am
relocation of abandoned manufactured homes, study	SB 573am
rules regarding number of persons, prohibiting subletting, and not conforming to Fair Housing Act prohibited	HB 1202
violations of statutory provisions are unfair trade practices, enforced as under consumer protection act; civil penalty	HB 1115
Marijuana, amount and possession references removed	HB 1107
Marine patrol	
officers, retirement system group II	SB 641
tidal waters, coordination of law enforcement activities	HB 610
Marine resources, and wildlife department, name changed from fish and game department, study	HB 1274am
Marine services, DRED, transferred to port authority	HB 1295

Marine species , sea urchins added, license and fee	HB 1439
Marital masters contempt powers	HB 1135
Marital mediator certification board , sunset review of attachment to judicial council repealed	HB 1110am
Marriage	
domestic violence programs fund, appropriation	HB 1472
judicial system study expanded to resolution of family issues; members added	HB 1135am
termination, notice filed with vital records and health statistics; arbitration	HB 1560
women and children, treatment by courts in marital and domestic violence disputes, study	HB 285
Marten , illegal taking or possessing, penalty increased	HB 1284am
Martin Luther King, Jr. Civil Rights Day to replace Civil Rights Day	SB 595
Mason , Rep. Howard F., res on death	HR 52
Massage practitioners , regulatory board to replace advisory board; duties; rulemaking; fees	SB 640
Master plans , goals section approved by local legislative body; method of adoption	HB 1415
Meals and rooms tax	
groceries defined, sale excluded from taxable meal	HB 576
hospital exemption reinstated	HB 1424
repealed	HB 1563
temporary rate repealed	HB 1570
Mediation , special education, replaced by alternative dispute resolution	HB 1212
Medicaid	
disproportionate share adjustment payments, funding for health care transition fund	HB 1050
enhancement fund, used to augment foundation aid formula	HB 491
human services director to request federal waiver to allow coverage for certain adults aged 18-64	SB 775
look-back provisions for public or medical assistance extended	SB 604
poverty level children to age 18 and pregnant women, coverage increased	SB 774am
Medical assistance	
dental coverage for adults, appropriation	SB 787
eligibility, transfer of property at less than market value or payments from a trust, time period extended	SB 604
limitation on recovery from estate, age lowered; assistance for pregnant women and children, conflicting provision repealed	SB 709
supplemental appropriation	HB 1050am
Medical care , access, unlawful interference and harassment, penalties	HB 1225
Medical decision-making for those unable to make their own decisions	HB 1576
Medical examiner , chief, notification of motor vehicle fatalities; authority to order autopsies; homicide autopsy reports to justice department only; office, study	SB 750
Medical malpractice , physicians' insurance rates lowered and amount of damages capped, study	HB 1389
Medical records	
confidential information, remedy for violations	HB 1452
copy provided to patient by health care facilities; cost limited	SB 639
Medical service corporations	
certified clinical social workers services covered	HB 1453
	HB 1466am
coverage for certain biologically based mental illnesses	SB 767
explanation of benefits in clear and simple terms	SB 518
may not deny enrollment to children under parents' health care coverage	SB 743
mental health coverage, freedom in selection of providers, conditions	HB 1456
psychiatric/mental health advanced registered nurse practitioners services covered	HB 1466

Medicare supplemental insurance regulated	SB 525
Medicine	
alleviation of pain and discomfort, intent statement in living will and durable power of attorney for health care	HB 1400
board of registration	
advisory committee on athletic trainers	SB 733
continuing education requirement, pain treatment program	HB 1480
Mental health	
advanced registered nurse practitioners duty to warn of violent acts of patients; duty to inform of sexual misconduct of previous psychotherapists	HB 1447
and developmental services	
allocation from health care transition fund	SB 791am
director, uniform rates to cover expenses of residents of certain institutions, administrative procedure rules need not be followed	HB 1118
efforts to assist persons with traumatic brain injuries supported	HB 1118am
pay differential, director to determine which employees are actively engaged in care and treatment of patients	HB 519
insurance coverage, freedom in selection of providers, conditions	HB 1456
laws, technical changes	HB 1119am
Mental illness	
biologically based, insurance coverage required	SB 767
involuntary emergency admissions, law enforcement officer required to take persons into protective custody	SB 235
person incompetent to stand trial, hearing and determination of dangerousness before evaluation for involuntary admission	HB 1164
psychiatric/mental health advanced registered nurse practitioners services covered by insurance	HB 1466
Mentally retarded, involuntary commitment in felony cases; conditional discharge	SB 772
Merchants, check acceptance policies, insufficient funds check fees limited	SB 684
Merrill, Stephen. See: Governor	
Merrimack county, reimbursement for employer's contribution to retirement system in contested employment cases, appropriation	HB 1551
Merrimack state forest, veterans cemetery construction appropriation	HB 1523
Meserve's Purchase. See: Thompson and Meserve's Purchase	
Metal, scrap, defined, trucks hauling, cover required	HB 1283
Methadone maintenance programs prohibited	HB 1107am
Metric system	
adoption encouraged, study	HB 1242
measures, weight and speed regulations to include, study	HB 123
Milk	
northeast interstate dairy compact, appointment of NH delegates; certification of milk laboratories	HB 1108
products containing bovine somatotropin growth hormone, labeling required	HB 1583
Minors	
guardians, confidentiality of proceedings	HB 1573
luring, penalty	HB 267
seat belts required to age 18	HB 1223
settlements on behalf of, court may approve payment of proceeds after minor reaches age of majority	SB 660
suicide problem, study	HB 1343am
	SB 617
Molds, dies, forms, and patterns, ownership rights	SB 552
Money	
foreign currency exchange services by banks, list by bank commissioner	HB 1510
orders, issuers licensed	HB 1145

Mooring , permit applications, proof of registration or ownership of boat, requirement repealed	HB 1168
Moose hunting illegal taking or possessing, penalty increased	HB 1284
some permits reserved for senior citizens	HB 1395
special permits for certain large landowners	HB 1464
Mortgages loan applications applicant may pick appraisal firm from list supplied by bank	HB 1150
fee for hazardous waste site assessment, applicant allowed to select firm from list supplied by the bank	HB 1347
mortgagees notified by tax collector before execution of tax deed, fee	SB 183
nondepository 1st mortgage bankers, licenses; requirements; examination expenses; appeals; surrender of license	HB 1142
second mortgage home loans, definitions; licenses, information required; surrender of license	HB 1142
Motor carriers , property and passengers, revenues deposited in highway fund	HB 257
Motor fuel , sales, standards for quality, additives, and grading; testing of storage tanks; inspection and testing fund	HB 1485
Motor vehicle oil road toll for used oil collection fund	HB 260
Motor vehicle road toll definitions changed; diesel fuel taxed at the pump	HB 659
increased	HB 1314
funding for highway and bridge betterment programs	HB 661
repealed	HB 1563
special fuel, weight requirement changed; references to director changed to commissioner	HB 1399
Motor vehicles alternative fuel business profits tax credit	SB 755
fleet operators required to purchase certain percentage of inherently low emission vehicles; emissions reduction credits	SB 788
automotive oil fee to fund used oil collection center grants and education program	HB 260am
California new motor vehicle standards implementation, study	HB 1189
sale of vehicles manufactured to standards authorized	SB 786
certificate of title, damage disclosure, statement on file at motor vehicles division	HB 1504
dealers prohibited conduct, misrepresentation by person not a new vehicle dealer	SB 786am
service information provided to original buyer	HB 1361
driver's license administrative license suspension, appeal to superior court, procedure	HB 1209am
and other records, confidential information	HB 628
collection of protested checks, safety commissioner rulemaking	HB 1101
suspended or revoked, nonresident, operation of vehicle prohibited	SB 605
suspension for court defaults, records not purged until license is reinstated; reports to National Driver Register	SB 602
voter registration at examination facilities	HB 444
DWI arrest by police at medical facility outside jurisdiction after traffic accident	HB 1247
driver's license suspended or revoked, administrative review or hearing, documentation required; effective date	HB 1569
enhanced damages in civil suits	HB 1253
extended term of imprisonment for subsequent convictions of certain DWI offenses	SB 609
habitual offenders, sentence to home confinement in addition to other sentence	SB 611
negligent homicide, mandatory sentence, study	HBI 20
penalties changed; license revocation for life; forfeiture of motor vehicle; multiple DWI offender intervention program repealed	HB 1359
three previous convictions, lifetime license revocation	SB 608

Motor vehicles (cont.)

electric or natural gas fuel, persons selling not regulated; utilities regulated by PUC	SB 768
emissions inspection program	
competitive bidding with inspection stations deleted	HB 1515am
definitions added; military and federal vehicles; temporary registration	HB 1189am
governor may add or remove counties	HB 1224
stations, additional contracts to qualified small businesses	HB 1332
equipment inventory fund, appropriation; 10 year revenue bonds	SB 801
fire extinguishers required equipment for certain vehicles	HB 630
habitual offenders	
or repeat offenders, driver attitude training program extended	SB 727
unlawful operation, mandatory minimum sentence reduced	HB 1394am
height of body or chassis, correction; annulment of convictions	SB 592am
junk dealers, name changed to automotive recycling dealers; number of plates furnished by safety department increased	HB 1313
leases	
disclosure	HB 1357
terminal rental adjustment clause does not create a sale or security interest	HB 1420am
lemon law	
limitation of actions; resale of vehicle found to be defective prohibited	HB 1420
new motor vehicle redefined; member added to arbitration board; times changed; limitation of actions	HB 1117
recreational vehicles, separate arbitration board, study	HB 1154am
liability insurance	
discount for those over 55 who have taken a driver safety course	HB 1152
discrimination based on gender prohibited	HB 394
proof of insurance required or assessment paid on registering a vehicle; uninsured motorists claims fund	HB 1562
resident defined; criteria	SB 717
unfair trade practice to mandate use of specific glass repair shop	HB 1309
lights required while windshield wipers are in operation	HB 362
number plates	
expired, display prohibited	SB 592
motto displayed, choice	HB 1561
special for nonprofit conservation organizations, fees to benefit designated organizations, study	SB 583
special for Pearl Harbor survivors	SB 512
special for Purple Heart recipients, heart displayed in actual color; exchange fee	HB 1360
special for reserve members	SB 226
special, sale, study	HB 1155am
vanity plate fund, transfers to driver training program authorized	HB 1551am
offenses, unmarked vehicles prohibited in enforcement	
at night	HB 1366
sale of blue lights limited	HB 1355
parking for disabled, hanging placards for	
individuals or nonprofit agencies	HB 1378
nonprofit agencies	SB 523am
private sale, use of old number plates for limited time	HB 1277
reckless driving in highway construction zone, penalty increased; signs posted	HB 1214
registration fees based on model year	HB 1419
removed from parking lot or garage, owner not charged unless a conspicuous notice is posted	SB 724am
retail	
installment sales, and sales finance companies, license requirements; surrender of license; annual report	HB 1142
sellers, examination by bank commissioner, payment of costs	HB 1580am
right turn on red prohibited when pedestrian walk signal is displayed	HB 1173
seat belts, children to age 18	HB 1223
taking without owner's consent, penalty increased	HB 1376
	SB 542
transporting opened wine containers allowed, conditions	HB 377
trucks hauling scrap metal, cover required	HB 1283

Motor vehicles (cont.)	
used, dealer prohibited from selling vehicle which cannot pass inspection; exception	HB 1467
weight and speed regulations to include metric measures, study	HB 123
Motor voter registration	HB 444
Motorcycles manufactured prior to 1973, directional signals not required	SB 563
Mountain Lakes district, Haverhill, zoning authorized	SB 809
Multi-level or network marketing, disclosure required; violation an unfair trade practice	HB 1292
Municipal budget law, changes integrated into school district statutes	HB 1270am
Municipal courts	
municipal ordinance fines remitted to the municipality	HB 162
witness fees paid by attorney general	HB 1335
Murder , capital, causing death of judicial officer	HB 1104
Museum of Natural History , Paris, France, urging the return of certain Native American remains	HJR 21

N

NAFTA , urging NH Congressional delegation to oppose until protections are added	HCR 23
Names , legislative approval for naming state-owned buildings and certain formations, exception	HB 1428
Nansen ski jump , challenge grant by DRED to restore and preserve	SB 68am
Nashua	
High School center of applied technology team, winners of US Skill Olympics, res honoring	HR 51
pilot program testing alternate deicing methods on highways	SB 637am
National and community service , NH executive board, participation in federal program	SB 763am
National commission on the state and local public service, committee to implement findings	HB 1379
National Driver Register , driver's license suspensions reported to by motor vehicles director	SB 602
National highway system , Congress urged to include US route 2	HJR 20
National Voter Registration Act of 1993 not applicable, registration on election day at polling places	HB 1506
Native Americans , urging the return of certain remains from the Museum of Natural History in Paris, France	HJR 21
Natural resources department, formed from parts of DRED and agriculture department	HB 1295
Natural scientists , unit established in environmental services department; soil scientists and wetlands scientists included	HB 624
Naturopathic health care , licensing and regulation	HB 451
Needles , hypodermic	
exchange program to combat AIDS	HB 1532
sales, prescription required for minors only; safe disposal and information on drug addiction treatment; schools exempted from law prohibiting sales except by pharmacies	HB 1483
Network marketing , disclosure required; violation an unfair trade practice	HB 1292
New England Fishery Management Council , lobster management plan	HB 1555
New Hampshire	
Bar Association, dues paid by state for attorneys employed by state	HB 1408
border dispute with Maine concerning Portsmouth Naval Shipyard and inner harbor, attorney general to pursue settlement	SB 754

New Hampshire (cont.)

health care	
authority, administration of universal health care plan	SB 789
reform coordinating committee, development of NH health plan	SB 791am
Higher Education Loan Corporation, acquisition of student loans in	
accordance with federal law; directors and employees indemnified	SB 535am
industrial heritage commission, membership increased; termination date removed	SB 630
Legal Assistance, funds from civil action entry fee surcharge	
for civil representation of low-income persons	SB 758
quality management council	HB 1276
VT solid waste district, financial crisis, study	HB 1390
Newspapers , unsolicited non-subscription publications, hand-delivery	
stopped after notification by recipient	HB 1341
Nixon , former President Richard M., res on death	HCR 32
Noise , OHRV decibel and distance requirements near occupied residences	HB 210
Nonprofit organizations , conservation, special motor vehicle number plates,	
fees to benefit designated organizations, study	SB 583
North American Free Trade Agreement , urging NH Congressional	
delegation to oppose until protections are added	HCR 23
North Country Partnership , Alzheimer's disease assessment and case	
management services, appropriation	SB 652
Northeast interstate dairy compact , appointment of NH delegates	HB 1108
Northern Forest Lands Council , recommendations, study	SB 653am
Northumberland , name changed to Groveton, local vote	HB 1328
Northwood Pioneer State Park named	HB 1428am
Nuclear power plants	
decommissioning financing committees, members changed; consultants, payment	SB 650am
radioactive releases, public notification	HB 1149
Nurses	
advanced registered practitioners	
confidential communications; duty to warn of violent acts of patient;	
duty to inform of sexual misconduct of previous psychotherapists;	
liability; temporary licensure, study	HB 1447
drugs, authority	SB 593
board, funds transferred to pharmacy commission	SB 593am
hospice house staff members, administration of medications	SB 709am
psychiatric/mental health advanced registered practitioners, services	
covered by insurance	HB 1466
state house health service room, public health services to provide	
nurse when regular nurse is absent	HB 1582
Nursing homes	
certificate of need, standards required for any increase in beds; exemption repealed	HB 1482
long-term care, notification to patients of availability of medicaid certified beds;	
limitation on involuntary transfer or discharge of certain patients	HB 1445
supplemental appropriation	HB 1050am

O

O'Brien , Rep. John F., res on death	HR 57
Obscene materials , second offense, penalty increased; sexual conduct redefined	HB 1392am
Ocean beaches	
definition, public access	SB 636
public use	HB 1257
Off highway recreational vehicles	
closed-course competition equipment requirements	HB 210am
used for agricultural purposes, exempt from registration fees	HB 586

Oil

- discharge or spillage, definitions of foreclosure, mortgage interest, and tax lien HB 1476am
- fund disbursement board, review of competitive bidding process, recommendations SB 716am
- heating, suppliers licensed; special fuel not subject to road toll, illegal use, penalties HB 659
- used
 - collection centers; grants; educational program HB 260
 - marketers exempt from hazardous waste cleanup fund fees if oil is recycled HB 472

Old age assistance, supplemental appropriation HB 1050am

Oleoresin capsicum, aerosol spray weapons defined, use against

- police or in committing a crime prohibited, penalty HB 1236

O'Neill, Thomas P., "Tip", remarks on death 160-161

Open space land

- aircraft operating areas included HB 1302
- current use, ten year enrollment period required; land use change tax rate changed HB 1421
- use change tax penalty assessment for land which changes more than once
 - in ten years; reimbursement fund, distribution to certain municipalities HB 570

Operating budget

- revenue returned to cities and towns included; distribution formula SB 234
- state agency expenditure estimates to include workers' and
 - unemployment compensation costs HB 1179
- surplus, 1/2 to revenue stabilization reserve account and 1/2 to foundation aid SB 769

Ophthalmic dispensing board, licensing and regulation SB 599

Ophthalmologists, prescription for replacement contact lenses provided to patient on

- request; regulation of out of state businesses selling contact lenses, fees HB 1377am

Opticians, licensing and regulation SB 599

Optometrists, prescription for replacement contact lenses provided to patient on

- request; regulation of out of state businesses selling contact lenses, fees HB 1377am

Outdoor advertising

- informational signs to include man-made attractions; food and lodging signs within
 - 5 miles of exit ramp; transportation department fees limited HB 1491
- limited access highways, motorist service signs, rental fees; distance limitations SB 752
- permits to cut or remove vegetation, fee SB 745

Oysters

- aquaculture HB 1440am
 - SB 708
- regulation of taking transferred from fish and game to municipalities HB 670
- waters, monitoring, rulemaking HB 211

Ozone Transport Commission, urged not to recommend that EPA mandate

- ozone reduction and air quality programs without prior state
 - legislative authorization HR 42am

P

Parental rights terminated in another country, consent to adoption not required SB 559

Parents' Day, July 28, 1994 HR 41

Pari-mutuel

- commission
 - payment for laboratory urine tests; extension of time for simulcast racing HB 1272am
 - replaced by gambling commission HB 1195
- pools, taxes and distributions repealed; replaced by payment,
 - percentage of yearly handle HB 691
- tax structure, study HB 1495am

Parker, Gary, memorial highway named, route 28, Wolfeboro HB 1460

Parking

- lots or garages, vehicles removed, owner not charged unless a
 - conspicuous notice is posted SB 724am

Parking (cont.)

walking disabled, hanging placards for	
individuals or nonprofit agencies	HB 1378
nonprofit agencies	SB 523am

Parks

and recreation division transferred to natural resources department	HB 1295
state, Northwood Pioneer State Park named	HB 1428am

Parliamentary inquiry , voting on HB 1538, by Rep. Gorman	383
--	-----

Parliamentary situation, Senate passed and House accepted bills that need

2/3 majority to be introduced in House because substantially similar	
legislation was killed in the House last session	420, 676

Parole

board, membership increased; governor urged to appoint members of	
both sexes; revocation hearing, attorney member present	HB 161am
officer, interference with duty a crime, penalty; duties; training;	
retirement system, group II	HB 1237am

Partnerships , representation in small claims actions by non-attorney,	
written authorization clarified	HB 1349am

Passaconaway, Chief, urging the return of his possible remains

from the Museum of Natural History in Paris, France	HJR 21
---	--------

Patenaude property , Boscawen, acquisition as state park, study	SB 547am
--	----------

Paternity , affidavit, procedures	SB 677
--	--------

Patterns , dies, molds, and forms, ownership rights	SB 552
--	--------

Pawnbrokers , surrender of license	HB 1142
---	---------

Pearl Harbor survivors , special number plates	SB 512
---	--------

Pease

air base land and buildings, free transfer to Pease development authority supported	HCR 25
development authority	
appropriation increased, bonds	SB 793
merged with port authority to form new port authority	HB 442
operating budget, compliance with budget requirements; comprehensive	
development plan, matching grants and funds; bonds	SB 792
state loan	SB 793am
international trade center	
linked with port authority by rail or pipeline, study	HB 1398
pilot telecommunications link to disseminate international trade leads	SB 632

Penalty assessments , drug-free school zones, used for sign fund	SB 642
---	--------

Pepper, cayenne, aerosol spray weapon defined, use against police or

in committing a crime prohibited, penalty	HB 1236
---	---------

Performance audit and oversight committee , duties regarding policy analysis reports	SB 143
---	--------

Personal flotation devices required on certain boats at certain times of year	SB 714
--	--------

Personal injuries , fireman's rule rejected	HB 401
--	--------

Pesticides

control board	
aerial spraying in residential areas or near buildings, notification	SB 591
membership increased, appointments clarified; annual report	HB 1533
requests for hearings; citizens advisory committee	HB 1512
rulemaking, concurrence of pesticide control division required; labeling redefined	SB 524
local regulation reinstated; state preemption repealed	HB 1471
private applicators, registration and permit fees	HB 1185am

Petroleum products , refined, tax repealed	HB 1563
---	---------

Pets

dogs and cats, tax on pet products to fund spay/neuter programs	HB 1549
overpopulation study extended	HB 1574am

Pharmacies

- mail order or specific, insurers may not require HB 526
- out of state pharmacy defined; registration required; criteria HB 1500am
- ownership by certain medical professionals, permit suspension or revocation HB 496

Pharmacists, prescription required for sale of hypodermic syringes to minors only;

- information on safe disposal and drug addiction treatment;
- schools exempted from law prohibiting sales except by pharmacies HB 1483

Pharmacy board

- executive director, salary SB 545
- inspection of advanced registered nurse practitioners regarding
- use of drugs; funds transferred SB 593

Phosphorus-based household cleansing products, sale prohibited HB 279am**Physical therapists, professional standards review organization**

- members liability limited HB 1449

Physicians and surgeons

- continuing education requirement, pain treatment program HB 1480
- cooperative agreements, study HB 1461
- death with dignity act HB 395
- malpractice, lowering insurance rates and capping amount of damages, study HB 1389
- medical records
 - confidential, remedy for violations HB 1452
 - copy provided to patient, cost limited SB 639
- naturopathic health care HB 451
- notification to patients if no malpractice insurance is carried HB 1437
- ownership of pharmacy may be grounds for suspension of pharmacy permit HB 496
- patient access to information regarding skill and qualifications, study SB 523am
- psychiatrists, patient's freedom to select, insurance terms and conditions HB 1456
- unlawful interference and harassment, penalties HB 1225

Piscataqua River, federal deepwater shipping channel, reduced

- speed requirements exemption HB 1436

Pistols and revolvers

- carrying without license, second offense
 - penalty modified by time limitation SB 587
 - time limits for penalties HB 1435
- license to carry
 - permanent after 6 years HB 1178
 - renewal date changed HB 1364
 - self-defense a proper purpose; license valid for all allowable purposes HB 1175
 - self-defense a proper purpose; license valid for all purposes; renewal date changed SB 562
- sale, criminal history record check and protective order check by single
 - premium telephone call HB 438
- special hunting season and license HB 1434

Planning boards

- cities with council/manager form of government, members appointed, method SB 566
- master plan, goals section, approval by local legislative body; method of adoption HB 1415
- subdivision plans, approved copy sent to WSPCD as notice of approval;
 - resubmission of amended plans, no additional fee HB 1462

Planning, local, needs and mandates, study extended HB 1574**Planning office, state, economic development division of DRED transferred to HB 1295****Plumbers**

- definitions changed, retired plumber's license HB 413
- licensing exemption for homeowner in own home; must conform with
 - building code requirements HB 1401

Plymouth, district courthouse

- appropriation HB 1557
- construction and furnishing appropriation, bonds HB 1571am

Podiatrists, ownership of pharmacy may be grounds for suspension of pharmacy permit	HB 496
Police	
assault on, penalty	HB 1126
departments, access to juvenile delinquent records, conditions; confidentiality	HB 1586
dogs or horses, killing a class B felony	HB 1188
group II retirement system, disability retirement, medical benefits	
for those who became members between 1988 and 1991	HB 656
law enforcement memorial, design and construction	HB 1231
making arrest at medical facility outside jurisdiction after traffic	
accident involving DWI	HB 1247
optional elected office, procedure for discontinuance	HB 1206
recovery for injuries caused by wanton or wilful conduct of others	HB 579
recovery for personal injuries, fireman's rule rejected	HB 401
required to take certain persons into protective custody; examination	
for involuntary emergency admissions	SB 235
requiring aid in a criminal case, failure to render suitable aid a violation	SB 516
standards and training council	
additional training in sexual assault cases; appropriation	SB 771
courses, attendance by non-police officers; certification	HB 1505
elected police, background investigations	SB 522
law enforcement training specialist and assistant director, eligibility	
requirements for retirement system group II	HB 1123
model policies and procedures to assist law enforcement agencies	SB 606
trained in assisting sexual assault victims; state police jurisdiction	
in towns whose police have not been trained	HB 1239
unmarked vehicles prohibited in enforcement of motor vehicle offenses	HB 1355
at night	HB 1366
wiretapping, emergency interceptions	HB 1181
Porcelain art month, June	HCR 24
Port authority	
commercial boat rulemaking authority repealed	HB 1535
excavating projects in tidal waters, responsibility	SB 674
linked with Pease international trade center by rail or pipeline, study	HB 1398
marine services in DRED transferred to	HB 1295
merged with Pease development authority to form new port authority	HB 442
Port of Portsmouth expansion, 1991 and 1993 appropriations combined	SB 536
Portsmouth-Massachusetts state line branch railroad, 1985 rehabilitation	
appropriation repealed	SB 761am
Portsmouth Naval Shipyard	
and inner harbor, border dispute with Maine, attorney general to pursue settlement	SB 754
income earned by employees, enforcement of judgments from other states prohibited	SB 597am
port authority facilities linked with Pease international trade center	
by rail or pipeline, study	HB 1398am
Postsecondary technical education commissioner to serve at the	
pleasure of the governor	HB 677
Power of attorney, durable, for health care, intent regarding	
medication to alleviate pain and discomfort	HB 1400
Prisoners	
county facilities, excluded from definition of employee for workers'	
compensation purposes	HB 1329am
habeas corpus writ filed in superior court of the county in which	
person is imprisoned	HB 1176
Prisoners of war and MIAs, Vietnam War, urging declassification and	
dissemination of documents; appointment of special prosecutor;	
and opposition to normalization of diplomatic relations	HR 54
Privacy	
act, creditor redefined; disclosure of records by creditor	SB 59
protection, insurance transactions	SB 554

Privacy (cont.)

- town officer's breach of confidentiality a violation of oath of office,
grounds for dismissal HB 1186
- wiretapping and eavesdropping laws, study HBI 1

Private investigation agencies and security guard services board;

- rulemaking; discipline; fees HB 1459

Private property rights preservation act HB 1486**Privileged communications. See: Confidential communications****Prizes and gifts act; disclosure HB 1545****Probate****courts**

- adoption finalized in another country, validation, acceptable evidence SB 559
- developmentally disabled, involuntary commitment in felony cases; procedure SB 772
- jurisdiction over guardianships and estates limited HB 1291

judges

- may accept other forms of security in lieu of bonds from administrators of estates HB 1256
- to appoint registers of probate CACR 26

Probation officers, interference with duty a crime, penalty;

- duties; training; retirement system, group II HB 1237am

Probation-parole officers, juvenile, name changed from juvenile services officers SB 618**Professional standards review organizations, physical therapists, liability limited HB 1449****Prosecutors**

- additional training in sexual assault cases SB 771
- municipal, attorney employee, knowingly causing death of, capital murder HB 1104

Prostitution

- HIV testing after third conviction HB 1235
- persons convicted of paying for sexual contact required to publish their
names in local newspapers HB 1243

Province Lake, Effingham, dam construction authorized SB 553am**Psychologists**

- and mental health practitioners, notification to clients if no
malpractice insurance is carried HB 1437
- patient's freedom to select, insurance terms and conditions HB 1456

Psychology and mental health practice board**membership**

- increased; art therapists regulated HB 1384
- revised SB 622
- terms and procedures changed; appeals to supreme court HB 178

Public assistance**AFDC, additional employment support; shelter and maintenance components**

- combined; self-employment investment program expanded SB 753am
- children, creation of support debt, liability of parent, limitation of debt HB 1147
- eligibility, transfer of property at less than market value or payments
from a trust, time period extended SB 604
- emergency assistance program expanded to non-AFDC families with children;
local payments matched by federal funds SB 723
- permanently and totally disabled, definition, effective date SB 775am
- poverty level children to age 18 and pregnant women, medicaid coverage increased SB 774am
- residential care facility residents' social security cost of living increases
not to decrease state contribution HB 635
- paid to the facility HB 635
- waiting period for those who terminate employment voluntarily HB 458

Public deposit investment pool, city treasurer's investments through

- third party money managers HB 1265

Public employee labor relations board

- decisions indexed; filing fees; board authorized to receive gifts HB 1572
- members appointed from lists of nominees; terms limited; compensation increased HB 1572

Public employees, confidential and supervisory defined; collective

- bargaining, number of employees for bargaining unit increased HB 1572

Public health services

- administrative fines for violation of emergency medical services law SB 613
- AIDS/HIV education handbook published with state board of education HB 1325
- allocation from health care transition fund SB 791am
- communicable disease laws clarified; injunctive relief; identity of person infected with HIV may be disclosed to blood banks SB 576
- director
 - approval of release of vital records for health related research HB 1116
 - notified of radioactive releases from nuclear power plants HB 1149
- hearing aid dealers board name changed; continuing education; canvassing prohibited; fees increased HB 1338
- investigations of poor indoor air quality in public facilities; study HB 1568
- licensing of tattoo parlors and practitioners, rulemaking HB 1507
- nurse provided to state house health service room when regular nurse is absent HB 1582
- pediatric vaccine distribution program rulemaking; physician epidemiologist, senior physician/dentist, forensic toxicologist, appointments SB 709
- pilot needle exchange program to combat AIDS HB 1532
- recreational camps safety standards, consultation with WSPCD SB 628

Public meetings

- general court committee proceedings recorded; access, applicability of right to know law HB 1497
- nonpublic sessions, time for public disclosure of minutes and decisions extended HB 1166
- right to know law violation petitions, superior court filing fee waived HB 1198

Public officers, elected state and county officials, gift, honorarium

- and testimonial redefined; reporting requirements HB 1318

Public records

- children and youth services records HB 1131
- fee for copying limited HB 1537

Public Service Company of NH, renegotiations with small power producers,

- oversight committee to monitor SB 790am

Public utilities

- abandoned deposits used to fund assistance programs for low income and disadvantaged customers SB 730
- commission
 - adjudicative proceedings, staff participation as staff advocates or decisional employees; additional expenditures SB 672
 - assistance to cable television consumer protection advisory board HB 1558
 - cable television rates regulated HB 350
 - cooperative electric associations may elect to be exempted from regulation HB 1511
 - encouragement and support of small power producers using indigenous and renewable fuels; consideration in rate plans SB 790am
 - investigation of service provided by Dunbarton Telephone Company in Goffstown HB 1575
 - rate base, exceptions to construction work in progress and "used and useful" prohibitions HB 1370am
 - rulemaking expanded; alternate forms of regulation; uniform system of accounts exempt from administrative procedure format standards; telecommunications utilities exempt from incorporation requirements HB 1263
 - sale by utilities of electricity or natural gas as motor vehicle fuel regulated SB 768
 - voluntary energy efficient building standards, rulemaking HB 1409am
 - discrimination prohibited HB 1414
 - franchise tax, utility defined to exclude sale of gas; gross receipts defined to exclude sale of electricity for motor vehicles SB 756
 - gas or electric, service connected in owner's name after termination of service to tenant HB 1220

- Public water rights**
 declaration of policy; present and future use HB 502
 study committee, report filed in state library HB 1413am
- Public welfare** overseer, optional elected office, procedure for discontinuance HB 1206
- Publications**, unsolicited non-subscription, hand-delivery stopped after
 notification by recipient HB 1341
- Purchases**, state agencies, field purchase orders and contracted services amounts increased SB 565

Q

- Quality management council**, NH HB 1276

R

- Rabies vaccinations**
 cats, veterinarians to collect companion animal population control fee HB 1201
 dogs and cats, copy of certificate to town clerk HB 1422
- Racing**
 commissions, horse and greyhound, replaced by gambling commission HB 1195
 dogs, simulcast
 maximum tax per day HB 1495
 racing program defined for calculation of tax; pari-mutuel tax structure, study HB 1495am
 horses
 Rockingham Park, pari-mutuel pools, breakage for 1995-1997; lump
 sum payment to affect tax rate HB 576am
 sire stakes program, statutes repealed HB 1121
 pari-mutuel
 commission, payment for laboratory urine tests; extension of
 time for simulcast racing HB 1272am
 taxes and distribution repealed; replaced by payment, percentage of yearly handle HB 691
 video lottery games, live racing requirement SB 162am
- Radio**
 antennas, amateur, not taxable as real estate HB 1380
 political advertising deleted from state election statutes HB 1161
- Radioactive releases** from nuclear power plants, public notification HB 1149
- Railroads**
 abandoned lines, DRED and transportation department joint stewardship;
 lease revenues split HB 190am
 class III, rehabilitation, revolving loan fund; appropriation; bonds SB 761
 fund, transferred to transportation fund HB 257am
 Portsmouth-Massachusetts state line branch, 1985 appropriation for
 rehabilitation repealed SB 761am
 state properties on shore of public waters, private leases HB 127
- Rainy day fund**. See: Revenue stabilization reserve account
- Real estate**
 appraisers, definitions revised; examination prerequisites; temporary practice SB 802am
 branch offices, managing broker vacancy, temporary designation HB 1337
 brokers, surety bond amount specified; real estate recovery trust fund
 to reimburse loss of trust or escrow funds SB 651
 inspectors, licensing board HB 1286
 levy by sale of execution, notice regarding homestead right; procedure HB 1371
 transfer tax
 exemption clarified SB 773
 questionnaire filed with revenue administration; information on form HB 1442
 repealed HB 1563
 valuation and reevaluation process, study extended HB 1574
- Real property**
 deeds and conveyances, rights of reversion limited SB 540
 sales
 disclosure of history of property not required HB 389

Real property (cont.)**sales (cont.)**

minimum water flow required HB 1425

one to 4 family dwelling, disclosure regarding water supply, sewage

disposal system, and insulation HB 388am

title insurance agents, licensing and practice HB 1334

Reapportionment, house of representatives, 400 separate election districts HB 1215

Reckless conduct, use of deadly weapon, class B felony HB 1134

Record, Rep. Alice Barnard, remarks on not seeking re-election 878-879

Records

medical, copy provided to patient by health care facilities; cost limited SB 639

public

children and youth services records HB 1131

fee for copying limited HB 1537

nonpublic sessions, time for public disclosure of minutes and decisions extended HB 1166

right to know law violation petitions, superior court filing fee waived HB 1198

uniform photographic copies of business and public records as

evidence act repealed HB 1244

Records management and archives, provincial records transferred from state library HB 1566

Recreation programs, municipal, exempt from child day care licensing regulations HB 1429

Recreational activities

acceptance of risks HB 1387

life saver identification label program, lapse date extended HB 1294am

Recreational camps redefined HB 1103

Recreational use, landowner's liability limited, state as landowner HB 1163

Recreational vehicles, lemon law, separate arbitration board, study HB 1154am

Recycling

asphalt pavement containing recycled rubber, transportation

department may not reject competitive bid HB 1273

instant lottery tickets made from recyclable and recycled materials SB 513

solid waste disposal, contracts between regional districts or

towns and facilities may not prevent recycling HB 1285

state paper purchases, exemption repealed SB 797

study extended HB 1574

used motor oil; collection fund HB 260

Red Cross notified if recent blood donors have certain communicable diseases HB 1249

Referenda

casino gambling and electronic games HB 1160

house of representatives, decreasing membership; increasing compensation;

amending travel allowance HB 1199

procedure for repeal of state statutes CACR 7

proposals CACR 12

Regional refuse disposal districts

contracts with facilities, terms HB 1285

replaced by solid waste management districts, powers and duties HB 622

Register of deeds, county commissioners rulemaking authority

over administration of office HB 1454

Register of probate, appointed instead of elected CACR 26

Religious organizations

tax exempt, sale of property to or by, pro-rated share of taxes for the year SB 596

tax exemption limited

core service charges HB 1481

to direct use HB 1484

Rent-to-own agreement act SB 747

Reorganization

- executive branch, statute repealed HB 421
- governmental, commission HB 1368

Research development fund, University of NH system SB 703**Residential care**

- facilities, recipients of assistance, social security cost of living increases
 - not to decrease state contribution; facility rate structure, study HB 635
 - paid to the facility HB 635
- homes and supported residential care facilities, housing finance authority
 - loans for fire safety equipment SB 230

Residential services bureau, youth development center, name

- changed from secure care bureau HB 1543

Resources and economic development

- abandoned railroad lines, statewide trail system; joint stewardship
 - with transportation department; lease revenues split HB 190
- commissioner to serve at pleasure of the governor HB 677
- forest inventory analysis; appropriation SB 655
- forests and lands
 - and parks and recreation divisions transferred to natural resources department;
 - economic development division transferred to state planning office HB 1295
 - division, forest laws revised and recodified SB 128
- Nansen ski jump, challenge grant to restore and preserve SB 68am
- pilot telecommunications link to disseminate international trade
 - leads from Pease international trade center SB 632
- vacation travel office, director in charge of rest areas along state highways HB 1197
- warehouse and workshop facility relocated to Concord; authorization
 - to sell present warehouse facility SB 659

Restaurants

- alcoholic beverage license, transporting opened containers of wine allowed, conditions HB 377
- full service, alcoholic beverage license, food sale requirement reduced HB 1321
- seating fewer than 50 people, smoking exemption repealed HB 1559

Retirement plans and individual retirement accounts, seizure, setoff,

- or attachment limited; legal process required SB 561

Retirement system

- board of trustees
 - bank commissioner replaced by state treasurer HB 1290am
 - member or spouse may not be receiving benefits from the system HB 1412
 - membership increased HB 311
 - teacher members, method of selecting HB 288
- cost of living adjustment, time of application HB 1183
- creditable service, time while receiving workers' compensation SB 669
- firemen, cost of living adjustment HB 414
- group I teachers, additional service retirement option HB 1546
- group II
 - accidental death benefits as result of repeated trauma or occupational disease SB 579
 - firemen, cost of living adjustment SB 215
 - law enforcement training specialist and assistant director of police
 - standards and training council, eligibility requirements HB 1123
 - marine patrol officers SB 641
 - policemen, disability retirement, medical benefits for those who became
 - members between 1988 and 1991; split retirement, eligibility HB 656
 - probation-parole officers HB 1237am
 - maximum benefit limitations conformed to Internal Revenue Code of 1986 SB 572
 - special reserve account abolished SB 668
 - teachers, retirement allowance for those retired prior to July 1, 1957 HB 1183am
 - unfunded accrued liability included in amount certified by board of
 - trustees; balance funded prospectively HB 1552

Revenue administration

- assessment/sales ratio study annually for each municipality; appropriation SB 543

Revenue administration (cont.)

commissioner

property tax rate set for single family homeowners	HB 1385
to serve at pleasure of the governor	HB 677
education and training of municipal employees, revolving fund	SB 760
office and working space, agreements authorized	HB 1299
property tax relief	HB 616
real estate transfer questionnaire; information on form	HB 1442
tax assessment and administration of forest conservation act for unincorporated and unorganized places, obsolete provisions repealed	SB 653
tax refunds, claims filed within 120 days	HB 1493am

Revenue estimates presentation	207-208
---	----------------

Revenue returned to cities and towns, included in operating budget;

determination of amounts; formula for distribution	SB 234
--	--------

Revenue stabilization reserve account, 1/2 of budget surplus credited to	SB 769
---	---------------

Revenue, unrestricted, estimates, general fund board and care estimate for

1994 increased	SB 787am
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Richard, Rev. Lucille, guest chaplain	245, 815
--	-----------------

Rifles and shotguns, commemorative, lottery repealed	HB 1430
---	----------------

Right to die

death with dignity act	HB 395
medical decision-making for those unable to make their own decisions	HB 1576

Right to know

children and youth services division records not confidential	HB 1131
nonpublic sessions, time for public disclosure of minutes and decisions extended	HB 1166
public records, fee for copying limited	HB 1537
violation petitions, superior court filing fee waived	HB 1198

Right to work, membership in labor union, requirement prohibited	HB 1330
---	----------------

Riots and mobs, town's liability for damage repealed	SB 530
---	---------------

Risk retention groups not chartered in NH must meet NH definition	SB 526
--	---------------

Rivers

added to shoreland protection act	SB 225
hazardous waste spills, town to notify environmental services and downstream towns	HB 1496

Road rules

DWI

arrest by police at medical facility outside jurisdiction after traffic accident	HB 1247
enhanced damages in civil suits	HB 1253
license suspended or revoked, administrative review or hearing, documentation required; effective date	HB 1569
penalties changed; license revocation for life; forfeiture of motor vehicle; multiple DWI offender intervention program repealed	HB 1359
refusal of consent, 2 year license suspension for prior administrative suspension	HB 1209
three previous convictions, lifetime license revocation	SB 608
lights required while windshield wipers are in operation	HB 362
reckless driving in highway construction zone, penalty increased; signs posted	HB 1214
right turn on red not allowed when pedestrian walk signal is displayed	HB 1173
seat belts required for children to age 18	HB 1223

Rockingham county

assistant medical examiners, statute repealed	SB 750
commissioners, rulemaking authority over elected officials; competitive bidding, services included, applicable to all county offices	HB 1454am
east of I-95, method of taking deer limited	HB 527
fiscal officer	HB 1556
pilot program eliminating trial de novo in superior courts appropriation; lapse date extended	SB 598am
option to elect jury trial, time extended	HB 1124

Rockingham Park , pari-mutuel pools, breakage for 1995-1997; lump sum payment to affect tax rate	HB 576am
Roll calls	
Ethics committee report recommending reprimand of Rep. Hemon. Question, ratification of the report. Yeas, 302; Nays, 14	1043-1045
HB 319, establishing a committee to study the feasibility of using sand or chemicals other than salt for highway snow and ice removal. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 140; Nays, 190	163-165
HB 394, relative to discrimination in automobile insurance policies. Question, substitute ought to pass for inexpedient to legislate. Yeas, 157; Nays, 193	134-137
HB 449, relative to listing candidates on general election ballots. Question, adopt floor amendment. Yeas, 129; Nays, 223	230-232
HB 451-FN, regulating naturopathic health care practice. Question, substitute ought to pass for inexpedient to legislate. Yeas, 194; Nays, 156	138-140
HB 458-FN-L, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause. Question, substitute refer for interim study for ought to pass with amendment. Yeas, 115; Nays, 215	148-150
HB 491-FN-A-L, requiring that certain medicaid enhancement funds be used to augment the funding distributed under the Augenblick formula for state aid to education. Question, substitute ought to pass for inexpedient to legislate. Yeas, 158; Nays, 192	97-99
HB 497, allowing towns and school districts to use the official ballot for any issue before the voters. Question, substitute refer for interim study for ought to pass with amendment. Yeas, 244; Nays, 111	129-131
Question, refer to interim study. Yeas, 258; Nays, 97	131-134
HB 520, eliminating straight ticket voting on the ballot. Question, substitute ought to pass for inexpedient to legislate. Yeas, 141; Nays, 199	108-110
HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. Question, pass over Governor's veto. Yeas, 130; Nays, 228	1010-1013
HB 576-FN-A, relative to the taxation of meals. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 185; Nays, 164	168-170
Question, adopt McCann floor amendment. Yeas, 196; Nays, 153	171-174
HB 628-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 307; Nays, 29	181-184
HB 652-FN, relative to state fee reform. Question, pass over Governor's veto. Yeas, 204; Nays, 157	1014-1016
HB 676, relative to unfunded state mandates and exempting political subdivisions from certain fees imposed by the department of environmental services. Question, substitute ought to pass for inexpedient to legislate. Yeas, 152; Nays, 185	278-280
HB 1050-FN, establishing the health care transition fund, making certain appropriations, and clarifying the procedure relative to the uncompensated care administration fund. Question, adopt amended report. Yeas, 349; Nays, 2	686-688
HB 1146-FN-L, relative to climate control upgrades for year-round schools. Question, adopt amended committee report. Yeas, 236; Nays, 103	264-267
HB 1150, requiring a financial institution to allow an applicant for a mortgage loan to select an appraisal firm from a list of firms supplied by the institution. Question, substitute ought to pass for inexpedient to legislate. Yeas, 144; Nays, 201	635-637
HB 1160, requiring certain questions pertaining to gambling to be included on the official ballot for the 1994 state general election. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 71; Nays, 247	491-493
HB 1175, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. Question, adopt committee report of ought to pass. Yeas, 283; Nays, 66	240-242

Roll calls (cont.)

HB 1192, establishing a committee to study the issue of the elderly and the cost of prescription drugs. Question, adopt committee report of inexpedient to legislate. Yeas, 219; Nays, 126	236-238
HB 1195-FN-L, consolidating the pari-mutuel commission and sweepstakes commission into a gambling commission. Question, adopt committee report of inexpedient to legislate. Yeas, 201; Nays, 154	233-236
HB 1196-FN, changing the composition of the liquor commission. Question, substitute refer for interim study for inexpedient to legislate. Yeas, 153; Nays, 197	346-348
HB 1199, relative to state referendum questions on proposed changes in the New Hampshire house of representatives. Question, substitute ought to pass for inexpedient to legislate. Yeas, 166; Nays, 191	327-329
HB 1215-FN-L, establishing 400 separate districts for the election of state representatives and renumbering state representative districts. Question, substitute ought to pass for inexpedient to legislate. Yeas, 102; Nays, 213	369-371
HB 1219, requiring that state publications be written and printed in English. Question, substitute ought to pass for inexpedient to legislate. Yeas, 123; Nays, 222	199-201
HB 1223, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 182; Nays, 150	615-617
HB 1225, relative to access to medical care. Question, adopt committee amendment. Yeas, 258; Nays, 79	469-472
Question, pass over Governor's veto. Yeas, 174; Nays, 184	1018-1021
HB 1231, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial. Question, reconsideration. Yeas, 238; Nays, 88	979-981
Question, adopt conference committee report. Yeas, 249; Nays, 77	981-983
HB 1237, relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime. Question, pass over Governor's veto. Yeas, 160; Nays, 195	1022-1024
HB 1246, relative to ballot access for political parties. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 186; Nays, 146	384-386
HB 1260-FN-L, repealing the authority to use local property tax revenue to fund education and creating a committee to study the financing of public education. Question, adopt committee amendment. Yeas, 219; Nays, 111	621-623
HB 1290-FN, changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio member of the New Hampshire retirement system board of trustees. Question, adopt amended committee report. Yeas, 236; Nays, 87	483-485
HB 1319-FN-A-L, requiring the state to fully fund the Augenblick formula by FY 1996. Question, substitute ought to pass for inexpedient to legislate. Yeas, 184; Nays, 170	593-596
Question, pass over Governor's veto. Yeas, 163; Nays, 192	1026-1028
HB 1325-FN, requiring the publication of an AIDS/HIV handbook. Question, pass over Governor's veto. Yeas, 131; Nays, 181	1029-1032
HB 1330, prohibiting an employer from requiring union membership as a condition of employment. Question, substitute ought to pass for inexpedient to legislate. Yeas, 106; Nays, 247	608-611
HB 1347, requiring a financial institution to allow an applicant for a mortgage loan to select a hazardous waste site assessment firm from a list of firms supplied by the institution. Question, substitute ought to pass for inexpedient to legislate. Yeas, 136; Nays, 203	638-640

Roll calls (cont.)

HB 1354, providing that one member of the state board of education shall be a currently certified and employed New Hampshire public school teacher. Question, adopt committee amendment. Yeas, 168; Nays, 172	267-270
Question, substitute inexpedient to legislate for committee report of ought to pass with amendment. Yeas, 213; Nays, 130	270-272
HB 1394, reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle. Question, pass over Governor's veto. Yeas, 138; Nays, 205	1032-1035
HB 1407, changing the title of Washington's Birthday to Lincoln and Washington Day. Question, substitute ought to pass for inexpedient to legislate. Yeas, 86; Nays, 252	575-577
HB 1421-FN-L, requiring owners to enroll land in current use for a 10-year period and changing the rate of the land use change tax. Question, adopt committee report of inexpedient to legislate. Yeas, 304; Nays, 35	465-468
HB 1424-FN-L, relative to the exemption for hospitals under the meals and rooms tax. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 98; Nays, 233	399-401
HB 1432, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. Question, adopt amended committee report. Yeas, 226; Nays, 131	341-344
HB 1456, relative to mental health care service providers. Question, substitute refer for interim study for ought to pass. Yeas, 108; Nays, 233	643-645
Question, pass over Governor's veto. Yeas, 167; Nays, 164	1036-1038
HB 1458-FN-L, to provide incentive through school building aid for establishing and maintaining public kindergarten programs. Question, adopt amended committee report. Yeas, 255; Nays, 83	273-275
HB 1478-FN-A, prohibiting the business enterprise tax from being levied retroactively. Question, substitute ought to pass for inexpedient to legislate. Yeas, 126; Nays, 206	378-380
HB 1483, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. Question, adopt committee amendment. Yeas, 258; Nays, 73	283-285
HB 1506-FN-L, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail. Question, adopt floor amendment. Yeas, 91; Nays, 262	196-198
HB 1514, establishing a "gifted and talented program" for certain public schools. Question, adopt amended committee report. Yeas, 241; Nays, 93	275-278
Question, substitute ought to pass for inexpedient to legislate. Yeas, 157; Nays, 187	551-553
HB 1520-FN-A-L, raising certain taxes and revenue to fund public kindergarten. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 135; Nays, 208	624-626
Question, substitute ought to pass for inexpedient to legislate. Yeas, 150; Nays, 199	626-628
HB 1528, establishing a safe school zone and relative to school violence. Question, adopt floor amendment. Yeas, 182; Nays, 151	652-655
Question substitute refer for interim study for ought to pass with amendment. Yeas, 72; Nays, 264	655-657
HB 1532-FN-L, requiring the division of public health services to establish a needle exchange program and making an appropriation therefor. Question, adopt amended committee report. Yeas, 211; Nays, 105	287-289
Question, ought to pass. Yeas, 201; Nays, 142	555-557
HB 1538-FN-A, to repeal the business enterprise tax. Question, adopt committee report of inexpedient to legislate. Yeas, 214; Nays, 118	381-383
HB 1548, relative to medical and surgical benefits for state employees. Question, adopt Hawkins floor amendment. Yeas, 168; Nays, 151	409-411
HB 1558-FN, relative to certification of cable franchise authorities. Question, substitute refer for interim study for ought to pass with amendment. Yeas, 181; Nays, 135	396-399
HB 1563-FN-A, imposing a value added tax and repealing certain state and municipal taxes and fees. Question, substitute refer for interim study for inexpedient to legislate. Yeas, 120; Nays, 229	350-353

Roll calls (cont.)

HB 1567-FN, relative to the medical fee schedule, businesses with 25 or more employees and other aspects of workers' compensation. Question, lay on table. Yeas, 209; Nays, 131	474-476
HB 1570-FN-A-L, decreasing the temporary rate of the meals and rooms tax from 8 percent to 7 percent. Question, substitute ought to pass for inexpedient to legislate. Yeas, 113; Nays, 215	662-665
HB 1571-A, appropriating funds for renovations to the Brown Building. Question, substitute inexpedient to legislate for ought to pass. Yeas, 107; Nays, 212	412-415
Question, substitute refer for interim study for ought to pass with amendment. Yeas, 121; Nays, 220	558-560
HB 1583-FN, requiring that dairy products known to contain the genetically produced bovine somatotropin growth hormone be so labeled. Question, substitute refer for interim study for ought to pass with amendment. Yeas, 232; Nays, 127	604-606
HB 1584-FN-A-L, establishing a uniform statewide property tax to provide local property tax relief and to equalize funding for education. Question, substitute ought to pass for inexpedient to legislate. Yeas, 123; Nays, 227	629-631
HJR 22, urging Congress to pass the Federal Mandates Relief Act of 1993. Question, adopt amended committee report. Yeas, 257; Nays, 80	612-614
Question, third reading and final passage. Yeas, 310; Nays, 15	666-668
HCR 26, rescinding the 1979 call for a federal constitutional convention. Question, substitute ought to pass for inexpedient to legislate. Yeas, 99; Nays, 231	480-482
HCR 28, issuing an ultimatum to the federal government regarding the national debt. Question, substitute ought to pass for inexpedient to legislate. Yeas, 39; Nays, 311	494-496
HR 46, urging that impeachment proceedings be instituted against Strafford county probate judge Gary R. Cassavechia. Question, substitute ought to pass for inexpedient to legislate. Yeas, 1; Nays, 352	202-205
SB 43, relative to the state board of auctioneers. Question, adopt committee amendment. Yeas, 169; Nays, 165	356-359
SB 595, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. Question, introduction. Yeas, 164; Nays, 183	420-422
Question, reconsideration. Yeas, 140; Nays, 212	496-499
SB 599-FN, establishing a board of ophthalmic dispensing and relative to the board's fees. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 90; Nays, 262	775-778
SB 616, relative to term limitations for members of Congress from New Hampshire. Question, introduction. Yeas, 227; Nays, 127	422-425
Question, reconsideration. Yeas, 220; Nays, 132	499-501
Question, introduction. Yeas, 203; Nays, 143	501-504
SB 636, relative to the public use of coastal beaches for recreational purposes. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 59; Nays, 282	862-864
SB 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections. Question, make section one of the amendment inexpedient to legislate. Yeas, 221; Nays, 105	890-893
SB 668-FN-L, abolishing the New Hampshire retirement system special reserve account. Question, substitute ought to pass for inexpedient to legislate. Yeas, 137; Nays, 205	778-781
SB 710, changing the interest rate on delinquent property taxes and subsequent taxes. Question, introduction. Yeas, 168; Nays, 180	425-427
SB 711, relative to small employer and individual insurance. Question, substitute refer for interim study for ought to pass. Yeas, 105; Nays, 238	832-835
SB 745-FN, relative to the maintenance of vegetation obstructing advertising devices. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 151; Nays, 183	790-793
SB 753-FN-A-L, relative to promoting economic self-sufficiency for families receiving AFDC. Question, adopt amended committee report. Yeas, 212; Nays, 120	896-898

Roll calls (cont.)

- SB 754-FN, directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. Question, adopt amended committee report. Yeas, 329; Nays, 3 871-874
- SB 758-FN, relative to civil legal assistance to low-income persons and making an appropriation therefor. Question, adopt amended report. Yeas, 229; Nays, 119 690-692
- Question, substitute ought to pass for ought to pass with amendment. Yeas, 120; Nays, 216 898-901
- Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 119; Nays, 221 901-903
- Question, adopt amended committee report. Yeas, 212; Nays, 127 903-906
- SB 769-FN, dividing any budget surplus between the revenue stabilization reserve account and state aid to education. Question, substitute ought to pass for inexpedient to legislate. Yeas, 133; Nays, 207 733-735
- SB 787-FN-A, relative to dental coverage for adults under the medicaid program and making an appropriation therefor. Question, substitute inexpedient to legislate for ought to pass. Yeas, 125; Nays, 217 785-787
- Question adopt amended committee report. Yeas, 197; Nays, 140 910-912
- SB 789-FN-A-L, establishing a health care authority. Question, adopt committee report. Yeas, 232; Nays, 118 746-748
- SB 810, legalizing the Hanover school district special meeting held June 8 and 9, 1994. Question, suspend rules to permit introduction and consideration. Yeas, 290; Nays, 65 1038-1041
- CACR 7, relating to establishing a statewide referendum procedure for the repeal of state statutes. providing that citizens of New Hampshire may directly repeal state statutory provisions by referendum. Question, adopt as amended. Yeas, 49; Nays, 296 102-104
- CACR 33, relating to returning annual legislative sessions to biennial legislative sessions. providing that the general court shall meet biennially. Question, substitute ought to pass for inexpedient to legislate. Yeas, 93; Nays, 248 191-194
- CACR 35, relating to gender-specific language. providing that all references to people in the constitution shall be gender neutral. Question, adopt majority report of ought to pass. Yeas, 175; Nays, 180 225-228
- CACR 38, relating to term limits for certain federal and state offices. providing that the terms of office for the members of the United States Congress from New Hampshire shall be limited to 12 years, and for the members of the New Hampshire house and senate shall be limited to 10 years. Question, introduction. Yeas, 185; Nays, 167 428-430

Rooms and meals tax. See: Meals and rooms tax

Rowe dam, Milton, acquisition by water resources division HB 1162

Rules**House**

- 1993 rules amended for the 1994 session HR 50
- suspended, hearings and executive sessions which may be cancelled due to inclement weather rescheduled to next day 294

state agencies

- administrative procedure act reorganized SB 805
- fees defined; purposes; costs; fiscal impact statement HB 652
- fees for copying public records limited HB 1537
- proposed, preliminary objections; joint resolution, action by general court HB 686
- publications adopted by reference, one copy must be deposited with state library HB 1448

S**Safety****commissioner**

- collection of protested checks relating to drivers' licenses, administrative procedures, rulemaking HB 1101
- enforcement of statewide bingo program HB 517
- motor vehicles emissions inspection stations, additional contracts to qualified small businesses HB 1332

Safety (cont.)

commissioner (cont.)	
to serve at pleasure of the governor	HB 677
department	
common carriers bureau, revenues deposited in highway fund	HB 257
criminal history record check and protective order check by single	
premium telephone call for handgun sales	HB 438
documentation required for commercial boats	HB 1535
domestic violence protective orders transmitted to; information	
disbursed; good faith immunity	SB 673
driver training program, appropriation increased; transfer of funds	
from vanity plate fund authorized	HB 1551am
fire service, 2 divisions, fire safety, and fire standards and training;	
positions abolished and changed	SB 685am
life saver identification label program, lapse date extended	HB 1294am
motor vehicle lemon law, new motor vehicle redefined; member added	
to arbitration board; times changed; limitation of actions	HB 1117
motor vehicle records, confidentiality	HB 628
new motor vehicle arbitration, separate board for recreational vehicles, study	HB 1154am
nondriver identification cards for ages 16 and over	SB 707
number plates furnished to automotive recycling dealers increased	HB 1313
uninsured motorists claims fund, rulemaking	HB 1562
services	
marine patrol officers, membership in retirement system group II	SB 641
notification of overnight use of vessels; failure to notify,	
penalties; registration revoked	SB 129
water skiing, American Water Ski Association event, non-Coast Guard	
approved personal flotation devices allowed	HB 1509

Saint Mary's Bank charter amended	HB 1193
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Sales

alcoholic beverages, privatized	HB 1547
check acceptance policies, insufficient funds check fees limited	SB 684
going out of business sales regulated; penalties	HB 1391
milk products containing bovine somatotropin growth hormone, labeling required	HB 1583
phosphorus-based household cleansing products prohibited	HB 279am
price policy, consumer charged correct sale price or product is free	HB 1363
real property	
disclosure of history of property not required	HB 389
one to 4 family dwelling, disclosure regarding water supply, sewage	
disposal system, and insulation	HB 388am
rent-to-own agreement act	SB 747
residential buildings, smoke detectors required	HB 1479
state signs and related items, study	HB 1155
venison	
retail sellers license and reporting requirement removed	HB 1502
Virginia white-tailed deer, imported or propagated in state	SB 675

Salt use on highways

pilot program in Nashua testing alternate deicing methods	SB 637am
use of sand or other chemicals, study	HB 319

Sand , use on highways rather than salt, study	HB 319
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Sand dune alteration, permit from wetlands board required; exceptions	SB 533
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Savings banks

investment committee alternatives	HB 1339
sale of notes, disclosure of sale price	HB 1344

Scenic New Hampshire , possible motto on motor vehicle number plate	HB 1561
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School districts

AREA, withdrawal plan requirements	SB 560
building aid, kindergarten incentive program	HB 1458
catastrophic aid limited	HB 679

School districts (cont.)

census of educationally handicapped students, requirement repealed; additional reimbursement for certain pupils	HB 1165am
contracting for education of high school students out of town, exemption from tuition costs of foreign exchange students	HB 1184
cooperative costs partly based on town's equalized valuation	HB 1210
or regional, capital facilities, impact fees imposed	HB 1469
encouraged to examine diverse cultures, ethnicity, and heritage while emphasizing tolerance, understanding, and respect	HCR 30
foundation aid 1/2 of operating budget surplus credited to	SB 769
Augenblick formula fully funded by 1996	HB 1319
distribution formula changed	HB 193
formula, distribution of fireworks tax	HB 625
general fund balance sheet published; funds may be appropriated to reduce deficit; time for report of appropriations to revenue administration changed	HB 1383
gifted and talented program, appropriation	HB 1514
kindergarten fund; distribution	HB 1520
incentive aid	SB 728
literacy skill development program, appropriation	SB 504
meetings recount of secret written ballot to take place at same meeting that secret ballot was taken	HB 1222
proxy voting allowed, local option	HB 1451
municipal budget law changes integrated into statutes	HB 1270am
safe school zones, firearms, acts of theft, destruction, or violence addressed; expulsion of pupils; reports; penalties	HB 1528am
sending, responsible for educational costs of children placed in homes and health care facilities in receiving district	HB 155
tax anticipation notes, proceeds recognized for property tax rate setting purposes	SB 760am
teachers evaluation program, remediation, termination	HB 1542
failure to be renominated, notification deadline changed; termination notice for elimination of position	HB 1301
failure to be renominated, reasons clearly stated	HB 1132
termination procedures	HB 1441
transportation provided to pupils when directed by vote of school district meeting	HB 1156
uniform statewide property tax to equalize funding for education; foundation aid repealed	HB 1584
voting by official ballot	HB 497

Schools

administrative units, school district membership optional, study	HB 308am
budgets, cities, prepared by certain date	HB 525
building aid, air conditioning for year-round schools	HB 1146
buildings, tax exemption limited core service charges	HB 1481
to direct use	HB 1484
character and fitness education, state board authorized to solicit funds	SB 796
charter, study	HB 599am
class size specified	HB 1218
compulsory attendance, study	SB 505
drug-free zones, rulemaking by state board of education; penalty assessment used for sign fund; implementation study committee	SB 642
enrollment options program, vouchers	HB 599
exempted from law prohibiting sale of hypodermic syringes	HB 1483
health education legislative intent, state board may not limit local school board's adoption of a curriculum that reflects local community values	HCR 29
review committee	HB 1433
high school equivalency testing and certification, persons under 18 eligible	HB 1139

Schools (cont.)

local property tax not a source of funds, educational financing study	HB 1260
nonpublic, state money or vouchers to fund prohibited	HB 1305
public	
class size limited to 20	HB 1499
education funding, task force study	HB 1260
facilities, tests of indoor air quality by public health services	HB 1568
foreign exchange students, study	HB 1184am
home educated or nonpublic students eligible to attend courses	HB 1109
interactive communications system, study	HB 1343
pupil's withdrawal between ages 16 and 18, conference; consent from	
parent or guardian	SB 647
request for change of school assignment, state board of education to	
provide information regarding responsibilities to local school boards	HB 599am
Scrap metal, trucks hauling, cover required	HB 1283
Sea urchins, helpers not allowed for taking by diving; reciprocity	
required for nonresident licensees	HB 1439
Seabrook, boundary line with Hampton altered, referendum	HB 1588
Search and seizure, fish and game seizures limited to property to be used for evidence	HB 1266
Seat belts required for children to age 18	HB 1223

Secretary of state

accounting for fees provision repealed	HB 1566
ballots, order of state representative candidates names determined	
once every two years	HB 1426
cable television consumer protection advisory board administratively attached	HB 1558
candidates for house of representatives to file declaration of candidacy	
with; official list	HB 632
certificate of election blanks	
forwarding to municipalities removed	HB 510am
preparation repealed	HB 1566
duties of legislative and executive branch officer	HB 514am
licensing of independent contractors	HB 1492
provincial records kept at division of records management and archives	
instead of state library	HB 1566
securities registration, investor education fund; use; excess to	
general fund; line item budget	SB 670am
Secure care bureau, youth development center, name changed to	
residential services bureau	HB 1543

Securities law

registration, certain limited liability company offerings exempt	HB 1255
technical corrections; fees added	SB 670

Security guards, private investigation agencies and security

guard board, rulemaking, discipline, fees	HB 1459
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Senate

chamber, refurbishment added to state house dome appropriation	SB 806
size increased	CACR 34
term limits prohibited	HB 1306
US, term limits prohibited	HB 1311

Sentences

annulments for certain crimes prohibited	HB 1232
annulment after imprisonment	HB 1315
extended term of imprisonment	
safe school zone violations	HB 1528am
subsequent convictions of certain DWI offenses	SB 609
home confinement in addition to other sentence for DWI habitual offenders	SB 611
restitution to insurance companies which indemnify victims; priority of claims	HB 1227
suspension, limiting time for petition	HB 1105

Sentences (cont.)

- uncompensated public service, time limitation removed HB 1254
- victims allowed to speak at sentence reduction or suspension hearings HB 1191

Sewage disposal systems

- certain WSPCD rules must be prepared under supervision of licensed engineers HB 1171
- disclosure required prior to sale of property for use as a one to 4 family dwelling HB 388am
- municipalities exempted from fees HB 676
- plans approved by planning boards, copies sent to WSPCD; resubmission of
 - amended plans, no additional fee HB 1462
- subdivisions with lots of 5 acres or more, exemption from
 - submitting to WSPCD removed HB 1241

Sewer systems, municipal, capital reserve and sewer funds from rentals,

- custody and spending authority HB 1211am

Sexual assault

- and sexual harassment at postsecondary institutions, study, membership
 - increased and date extended SB 780
- cases, additional training for police and prosecutors SB 771
- civil commitment of sexually violent offenders after completion of
 - criminal sentence, procedure HB 1540
- HIV testing
 - after third conviction for prostitution HB 1235
 - of persons convicted; notification of victim and victim/witness office HB 1190
- pattern, penalty HB 1106
- police trained in assisting victims, state police jurisdiction in
 - towns whose police have not been trained HB 1239

Sexual conduct redefined in obscenity statute HB 1392am**Sexual harassment**

- victim, interception of communications with one party's consent SB 663
- voluntary termination of employment because of, eligibility for
 - unemployment compensation SB 621

Sexual orientation, discrimination prohibited HB 1432**Shellfish waters** monitoring, rulemaking HB 211**Sheriffs**

- county commissioners rulemaking authority over administration of office HB 1454
- deputies, employed as superior court bailiffs, state to pay certain costs HB 1300

Shoreland

- protection, rivers added; definitions and references amended; effective date SB 225
- public use of coastal beaches HB 1257

Sire stakes program statute repealed HB 1121**Skiing** accident laws, study SB 521**Skyhaven airport, additional hangar facilities, appropriation, bonds** SB 792am**Small claims**

- against health and human services department, settlement by commissioner SB 541
- property tax appeals, tax and land appeals board HB 1120
- representation of partnerships, trusts, and limited liability companies
 - by non-attorneys, written authorization clarified HB 1349

Small employers

- access to health care, statute revised HB 341
- accident and health insurance; community rating; preexisting conditions SB 711

Small loans, consumer credit administration; surrender of license HB 1142**Smoke detectors** required on sale of residential buildings HB 1479**Smoking**

- area in LOB basement, appropriation SB 806am
- indoor public places, separate rooms with separate ventilation systems
 - required in new buildings HB 1559am

Snares, use by trappers, study	SB 567
Social clubs, supplemental liquor license for 9 events, fee	SB 594
Social services, structure of administrative and service delivery areas, study	HB 1353
Social workers, certified clinical, services covered by insurance	HB 1453
	HB 1466am
Soil scientists regulated by natural scientists unit of environmental services department	HB 624
Solid waste	
disposal contracts between regional districts or towns and facilities, terms	HB 1285
district, NH/VT, financial crisis, study	HB 1390
facility training program, municipalities exempted from fees	HB 676
landfills, unlined, closures, grant program to aid municipalities	HB 317am
management districts to replace regional refuse districts, powers and duties	HB 622
planning	
districts, requirements repealed, provision for continuance; contracts	
between towns	HB 1534
task force; solid waste laws recodification study extended	HB 1534am
Spaulding turnpike. See: Eastern NH turnpike.	
Speaker, Harold W. Burns	
remarks at opening of session	3
urged to study televising house sessions and committee meetings	HR 48
Special education	
advisory and oversight committee on the education of children with disabilities	HB 1288
bureau name changed to educational improvement division	HB 1524
census of educationally handicapped students, requirement repealed;	
additional reimbursement for certain pupils	HB 1165am
mediation changed to alternative dispute resolution; local school district	
programs; neutral conference	HB 1212
school district catastrophic aid limited	HB 679
Speech-language pathologists	
certification, master's degree equivalency determined by state board of education	HB 1110
license waiver period changed	HB 1110
Spoonwood Pond, Nelson, certain motorized craft prohibited	HB 1151
Sports	
acceptance of risks	HB 1387
amateur, study	HB 1427
arena located in NH, study duties extended	SB 701
athletic trainers certification	SB 733
Sprinkler systems	
residential care homes and supported residential care facilities, loans to provide	SB 230
state fire code, additional waivers; fire detection systems required	SB 544am
Squam Lakes watershed plan, water use activity zone recommendation	
and public access for boating, study	SB 719
Stalking	
cross reference corrected	HB 267am
victim, interception of communications with one party's consent	SB 663
Standardbred breeders and owners development agency, statutes repealed	HB 1121
State agencies	
administrative hearings, motion for rehearing, time extended	HB 1157
certain commissioners, 4 year terms	HB 677am
certain positions abolished when vacant	SB 626
constitutional takings, attorney general's guidelines	HB 1486
data bases, access by state library and depository libraries	HB 1448
deposit procedure to state treasurer	HB 1345
executive branch	
ethics committee	HB 1541
reorganization statute repealed	HB 421

State agencies (cont.)

expenditure estimates submitted to administrative services to include workers' and unemployment compensation costs	HB 1179
hearings rescheduled when any party has a conflicting appearance; rulemaking	HB 1490
NH Bar Association dues paid for attorney employees	HB 1408
paper purchases, recycled materials, exemption repealed	SB 797
policy analysis by LBA	SB 143
publications, English language required	HB 1219
purchases, field purchase order and contracted services, amount increased	SB 565
reorganization commission	HB 1368
rules	
administrative procedure act reorganized	SB 805
fees defined; purposes; costs; fiscal impact statement	HB 652
fees for copying public records limited	HB 1537
proposed, preliminary objections; joint resolution, action by general court	HB 686
publications adopted by reference, one copy must be deposited with state library	HB 1448
social services, structure of administrative and service delivery areas, study	HB 1353
total quality management	HB 1276

State boards

disciplinary hearings, justice department consumer protection and antitrust bureau investigation and prosecution	HB 178am
per diem pay, study	HB 1300am

State contracts

general liability insurance amounts changed	HB 583
personal services, study extended	HB 1574

State curator, appropriation HB 1278**State employees**

defined to include those whose positions are federally funded for layoff purposes	SB 664
health insurance, general court member participation, state to pay portion of cost	HB 1417
medical and surgical benefits, eligibility after retirement; study	HB 1548
not members of retirement system, medical and surgical benefits on retirement, conditions	HB 1262am
reduction in numbers, study	HB 1129
retired, health insurance for dependents, study	SB 744am
training process, study	SB 690
unclassified. See: State officials	

State fire code, sprinkler systems, additional waivers; fire detection systems required SB 544am**State fish**

freshwater, brook trout	SB 538am
saltwater game fish, striped bass	HB 1438

State government operations, task force recommendations,

committee to implement findings	HB 1379
---------------------------------------	---------

State house

dome, appropriation purpose amended; refurbishing senate chamber and smoking area in LOB added	SB 806
health service room, nurse absent, coverage provided by public health services	HB 1582

State library

depository law, publication redefined; data bases included; publications adopted by reference must be deposited with state library	HB 1448
powers and duties over law library transferred to supreme court; legislative indexing transferred to state librarian	HB 1516
powers regarding law library repealed	HB 1522
provincial records transferred to records management and archives	HB 1566
public water rights study committee report filed in	HB 1413am

State mandates

catastrophic aid limited; state education plans, notice required; library trust fund report to attorney general removed	HB 679
elections, checklist and voter registration, certain local duties removed	HB 683

State mandates (cont.)

highway discontinuance, notice to abutting owners removed	HB 680
municipalities exempted from	
certain environmental services administrative fines	HB 678
environmental services fees	HB 676
unfunded, definition of state expanded	CACR 3

State obligations, delinquent, interest charge by town or county	SB 735
---	---------------

State officials

certain positions abolished when vacant	SB 626
corrections commissioner and warden, salaries increased	SB 638
reduction in numbers, study	HB 1129
salaries, executive director, pharmacy board	SB 545
surety bonds, board of approval repealed	HB 1585

State owned forest land, export of timber limited	HB 1326
--	----------------

State parks, Camp Alton and Patenaude properties acquisition, study	SB 547am
--	-----------------

State police jurisdiction in towns whose police have not been	
trained in assisting sexual assault victims	HB 1239

State prison warden, salary increased; warehouse fire, replacement of	
equipment and inventory, supplemental appropriation	SB 638am

State signs and related items, sale, study	HB 1155
---	----------------

State statutes, referendum procedure for repeal	CACR 7
--	---------------

Statutory construction, time computation, days included and excluded	HB 1238
---	----------------

Stores

going out of business sales regulated	HB 1391
sale price policy, consumer charged correct sale price or product is free	HB 1363

Strafford county fire department, study	HB 1402
--	----------------

Stratham, route 51 redesignated as route 101; appropriation	SB 644
--	---------------

Stratham Heights Road reclassified	SB 686
---	---------------

Striped bass, state saltwater game fish	HB 1438
--	----------------

Studies

aircraft operating areas subject to current use taxation	HB 1302
amateur athletics	HB 1427
aquaculture responsibility allocated between agriculture and fish	
and game departments	HB 1327

art therapists licensed	HB 1384
-------------------------------	---------

assisted suicide, death with dignity act	HB 395
--	--------

Bear Brook State Park, Family Camping Museum relocated; DRED	
maintenance facility removed	SB 659

Bedell state park access road upgrade	HB 1501
---	---------

boats

access to public waters, preliminary approval of advisory board	HB 1261
electric powered craft allowed on all lakes except public water supplies	HB 1362
mooring permit applications, proof of registration or ownership	
requirement repealed	HB 1168

boilers, certain hot water, exempted from inspection	HB 1565
--	---------

business finance authority equity investment program	HB 170
--	--------

cable television consumer protection advisory board	HB 1558
---	---------

Camp Alton and Patenaude properties, acquisition as state parks	SB 547am
---	----------

cashers of checks licensed	HB 1145
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charter schools	HB 599am
-----------------------	----------

children

abuse and neglect central registry	SB 785
--	--------

abuse civil actions for damages	HB 1465
---------------------------------------	---------

day care licensing policies	SB 580am
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civil commitment of sexually violent offenders after completion of criminal sentence	HB 1540
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Clean Air Act

amendments and implementation	HB 1189
compliance, state aid to municipalities	HB 1358
coastal beaches	
public access	SB 636
public use	HB 1257
compulsory school attendance	SB 505
condominiums, delinquent taxes owed by unit owners	SB 804am
convention center located in NH	
duties extended	SB 701
reporting date extended	HB 1574
corrections, state and county departments combined	HB 1291
county delegates, separate elected office	HB 1431
county taxes	SB 27
court treatment of women and children in marital and domestic violence disputes	HB 285
criminal prosecution at district and superior court levels	HB 1550am
dams, acquisition of 3 dams in Milton	HB 1162
data processing center to produce checklists	HB 634
disabled who are "wait listed" by health and human services, funding of services	HB1 21
district court system	HB 386am
divorce, child custody, unsupervised visits with both parents presumed to be in child's best interests	SB 705
drug-free school zone implementation	SB 642
drug offense forfeiture, transition from civil to criminal forfeiture	HB 660
Eastern NH turnpike expansion over Little Bay	HB 1348
economic development through enhancement of fish, game, and nongame programs	HB 1503
elderly	
long term care services, reporting date extended	HB 1574
prescription drug costs	HB 1192
eminent domain, state to pay at least original purchase price	HB 1200
environmental services administrative fines	HB 1346
exclusivity contracts between health care insurers and providers	SB 539am
executive branch ethics committee	HB 1541
fiduciaries, powers in environmental matters	SB 589am
firearms, license to carry permanent after 6 years	HB 1178
fireworks, class C sales and use, local option	HB 625am
fish and game department name changed to department of wildlife and marine resources	HB 1274am
fishing by permit for patients at Friendship House in Bethlehem	HB 1170
foreign exchange students in NH public schools	HB 1184am
free parking for jurors of district court regional jury trials	HB 1138
gambling, marketing strategies and consumer attitudes	HB 69
general court	
former members prohibited from becoming lobbyists for 2 years	HB 1298
sessions held after 5:00 p.m.	HB 1340
genetic testing for insurance or employment purposes prohibited	HB 1423
health care	
authority, administration of NH universal health care plan	SB 789
issues in NH	SB 777
provider cooperative agreements	HB 1461
.....	SB 791
hearing aid dealers, board name changed to hearing aid consumer protection board	HB 1338
highways	
toll collection system	HB 1382
toll system, fairness; feasibility of financing construction through alternate means	SB 678
US route 4 between NH route 108 and Scammell bridge	HB 1374
house sessions and committee meetings televised, Speaker urged to study	HR 48
independent contractors, licensing	HB 1492
indoor air quality in public buildings	HB 1568
initiative and referendum	CACR 12
insurance department fees for filing documents increased	SB 555

Studies (cont.)

interactive communications system among public schools	HB 1343
interagency family assistance teams	SB 748
interception of communications by victims of certain abuse, one party's consent	SB 663
issuance of titles to undocumented motorized vessels	HB 1208
judicial council	
judicial system study expanded to resolution of family issues; members added	HB 1135am
legal validity of faxed documents	HB 1369am
juvenile delinquents, alternatives to secure commitment at YDC	SB 784
kindergarten, statewide program	SB 654
land use change tax penalty assessment for land which changes more	
than once in ten years	HB 570
landscape architects certification	SB 165
lead paint abatement, sources of funding	SB 650am
lead sinker sale and use limited	HB 1527
legislative advisory committee on campaign financing, assisting candidates	
to raise money without excessive expenditures or large contributions	SB 687am
literacy skill development program appropriation	SB 504
living will and durable power of attorney for health care, intent	
regarding medication to alleviate pain and discomfort	HB 1400
lobster management plan	HB 1555
local planning needs and mandates, reporting date extended	HB 1574
malpractice insurance, notice to clients if certain professionals do not carry	HB 1437
manufactured housing parks	
displacement due to change in land use, relocation expenses paid to	
tenants; notification of officials	HB 1159
relocation of abandoned manufactured homes	SB 573am
massage practitioners, regulatory board to replace advisory board;	
duties; rulemaking; fees	SB 640
medical examiner's office	SB 750
metric system, adoption encouraged	HB 1242
milk containing bovine somatotropin growth hormone, labeling required	HB 1583
motor fuel, standards for quality, additives, and grading	HB 1485
motor vehicles	
administrative license suspension, hearings, documentation required; effective date	HB 1569
damage disclosure, statement on file at motor vehicles division	HB 1504
DWI, negligent homicide, mandatory sentence	HB 120
leases, disclosure	HB 1357
number plates, choice of motto	HB 1561
number plates, special for nonprofit conservation organizations, fees	
to benefit designated organizations	SB 583
number plates, special for Pearl Harbor survivors	SB 512
used, dealer prohibited from selling vehicle which cannot pass inspection	HB 1467
municipal budget law changes integrated into school district statutes	HB 1270am
municipal ordinance fines remitted to the municipality	HB 162
muzzle-loading firearms and bow and arrow included in special hunting	
license for elderly	HB 1140
Nansen ski jump, challenge grant to restore and preserve	SB 68am
natural resources department established	HB 1295
NH building at Eastern States Exposition, operation and participation	HB 1308
NH/VT solid waste district, financial crisis	HB 1390
non-motorized transportation	SB 634
Northern Forest Lands Council recommendations	SB 653am
nurses, advanced registered practitioners, temporary licensure	HB 1447am
out of state pharmacies, registration	HB 1500am
pari-mutuel tax structure	HB 1495am
patient access to information about health care providers and quality	
assurance process	SB 523am
per diem pay by state boards and for superior court bailiffs	HB 1300am
permissible fireworks review committee	SB 734
persons convicted of paying for sexual contact required to publish	
their names in local newspapers	HB 1243

Studies (cont.)

pet overpopulation, reporting date extended	HB 1574am
phosphorus-based products effects on water quality	HB 279
physician malpractice, lowering insurance rates and capping amount of damages	HB 1389
plumbers, licensing exemption for homeowner in own home	HB 1401
police standards and training council courses, attendance by non-police officers	HB 1505
political expenditures and contributions, enforcement of statutes	HB 510
port authority linked with Pease international trade center by rail or pipeline	HB 1398
public education funding, adequacy, equity, and efficiency	HB 1260
PUC exceptions to CWIP and "used and useful" prohibitions	HB 1370am
railroad overpass on route 135 in Dalton	HB 661am
real estate	
transfer tax exemption clarified	SB 773
valuation and reevaluation process, reporting date extended	HB 1574
recreational vehicle defects, separate arbitration board	HB 1154am
recycling, reporting date extended	HB 1574
residential care facilities rate structure	HB 635am
sale of state signs and related items	HB 1155
sand or chemicals other than salt, use on highways	HB 319
school district membership in SAU optional	HB 308am
sexual assault and sexual harassment at postsecondary institutions,	
membership increased; date extended	SB 780
skiing accident laws	SB 521
smoke detectors required on sale of residential building	HB 1479
solid waste planning task force; solid waste laws recodification study extended	HB 1534am
sports and recreational activities, acceptance of risk	HB 1387
Squam Lakes watershed plan, water use activity zone recommendation	
and public access for boating	SB 719
state agency hearings rescheduled when any party has a conflicting appearance	HB 1490
state economic development activities, reporting date extended	HB 1574
state employees	
and officials, reduction in numbers	HB 1129
medical and surgical benefits for retirees	HB 1548am
retired, health insurance for dependents	SB 744am
training process	SB 690
state library, publications adopted by reference must be deposited	
with; data bases, access	HB 1448
state personal service contracts, reporting date extended	HB 1574
Stafford county fire department	HB 1402
structure of administrative and service delivery areas for certain social services	HB 1353
suicide among young people	HB 1343am
	SB 617
sweepstakes commission, maximizing revenue from programs	HB 1458am
	SB 728am
tax credits	
incentives	SB 757am
to aid in job creation	HB 1258
tax exempt property and payments in lieu of taxes	
members changed	HB 1484am
reporting date extended	HB 1574
tax exemptions for religious, educational, or charitable organizations limited	HB 1481
teachers	
evaluation program, remediation, termination	HB 1542
failure to be renominated, notification deadline changed	HB 1301
theme park, convention center, and casino, feasibility of establishing	SB 793am
title insurance agents, licensing requirements	HB 1334
trappers use of snares	SB 567
UNH cooperative extension	HB 1581
voter registration by mail	HB 1506
weight and speed regulations to include metric measures	HB 123
wildlife management habitat stamp required	HB 1475

Studies (cont.)

wiretapping	
and eavesdropping laws	HBI 1
criteria for admissibility of lawfully acquired communications	HB 1303
wolf hybrids, importation, possession, or release	HB 1100am
workers' compensation rate system changes	HB 1508

Subdivisions

lots of 5 acres or more, exemption from submitting sewage disposal systems	
to WSPCD removed	HB 1241
plans approved by planning boards, copies sent to WSPCD; resubmission	
of amended plans, no additional fee	HB 1462

Subversive activities chapter repealed	SB 656
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Suicide

assisted, death with dignity act	HB 395
problem among young people, study	HB 1343am
	SB 617

Sunday

laws, hunting on Sunday prohibited	HB 1221
restrictions on sale of alcoholic beverages removed	SB 594am

Superior courts

bailiffs, state to pay certain costs	HB 1300
criminal prosecution, efficient system, study	HB 1550am
domestic violence emergency temporary orders by telephone or fax	HB 1536
habeas corpus writs filed in county in which person is imprisoned	HB 1176
marital masters, contempt powers	HB 1135
motor vehicle administrative license suspensions, appeals procedure	HB 1209am
overdue fines and default payments, surcharge, funds used for construction	
and renovation of district courts	HB 1531
right to know law violation petition, filing fee waived	HB 1198
witness fees paid by attorney general in criminal cases	HB 1335

Support, children

arrearages, AFDC payments in lieu of	HCR 5
enforcement orders payable through human services division, employer and	
health insurance information required	HB 1114
medical, assignment of wages; insurer may not deny enrollment under	
parent's health care coverage	SB 743
notice and service requirements; certain payments made to human services division	SB 90
office of enforcement not to collect support debt if family has reunited;	
additional staff, appropriation	SB 759

Supreme court

administrative office building, design appropriation	HB 1553
civil action entry fee surcharge, to NH Legal Assistance for civil	
representation of low-income persons	SB 758
opinions requested, constitutionality of	
disposition of revenue received by bureau of common carriers (HB 257)	HR 18
granting marital masters contempt powers (HB 1135)	HR 55
public use of coastal beaches for recreational purposes (SB 636)	HR 58
powers and duties over law library transferred from state library	HB 1516
powers regarding law library repealed	HB 1522
rules adopted in accordance with administrative procedure act; copies of	
materials cited in opinions provided free of charge	HB 1489

Sweepstakes commission

administration of statewide bingo program	HB 517
instant lottery tickets made from recyclable and recycled materials	SB 513
keno authorized	HB 691
maximizing revenue from programs, study	HB 1458am
	SB 728am
replaced by gambling commission	HB 1195

Sweepstakes commission (cont.)

video

- lottery games at locations licensed for on-premises liquor sales SB 162
- or electronic games of chance, legislative approval required HB 1245

T

Taking of private property, attorney general's guidelines HB 1486

Task force

- government operations, committee to implement findings HB 1379
- highway toll collection system HB 1382
- public education funding HB 1260
- sexual assault and sexual harassment at postsecondary institutions,
 - membership increased; date extended SB 780
- solid waste planning HB 1534am

Tattoo parlors and practitioners, licensing, fees HB 1507

Tax and land appeals board, members, certain outside employment allowed; appeals,

time periods; small claims procedure; representation by non-attorneys HB 1120

Tax collectors

- mortgagees notified before execution of tax deed, fee SB 183
- optional elected office, procedure for discontinuance HB 1206

Tax sales

or liens

- municipal environmental investigation; lien to remain in effect if
 - municipality will not accept the deed HB 1476am
- portion of proceeds returned to previous owner HB 618
- payments, remittances, or redemptions, timely mailing exception repealed HB 1127

Taxes

abatement

- appeals, time periods; representation by non-attorneys HB 1120am
- application, standard form; fee SB 620

alcoholic beverages, malt, supplemental to fund kindergarten HB 1520

amateur radio towers and antennas not taxable as real estate HB 1380

bank franchise HB 1418

bills

- information about tax relief included SB 214
- towns may expand information; other bills may be included in mailings HB 1450

business enterprise

- exemptions, certain veterans organizations HB 1513
- repealed HB 1538
- retroactive application prohibited HB 1478
- threshold increased HB 1418
- transition credit, special limitation removed SB 501

business profits

- credit for alternative fuel vehicles SB 755
- credit for business-related education SB 757
- credit for investment in research and development SB 236
- deduction for investments in business finance authority equity
 - investment program HB 170

grantor trusts SB 736am

county, study SB 27

credits

- aid in job creation, study HB 1258
- contributions to community development finance authority, pledges;
 - 5 year limit; cap SB 671am
- incentives, study SB 757am
- investment tax credit against business profits tax and community
 - development finance authority, repeal negated SB 671

current use

- aircraft operating areas included HB 1302
- ten year enrollment period required; land use change tax rate changed HB 1421

Taxes (cont.)

delinquent	
and subsequent payments, interest rate changed	SB 710
owed by condominium unit owners, study	SB 804am
exempt property and payments in lieu of taxes, study	
extended	HB 1574
members changed	HB 1484am
exemptions	
for religious, educational, or charitable organizations limited; core	
service charges	HB 1481
for religious, educational, or charitable organizations limited to direct use	HB 1484
elderly, occupancy requirement	HB 1230
elderly, retained when home is in living trust	HB 325
permanently and totally disabled, reference inserted	SB 688am
federal, retroactive, NH Congressional delegation urged to vote against	HCR 21
fireworks, distributed under foundation aid formula	HB 625
franchise, public utility defined to exclude sale of gas; gross receipts	
defined to exclude sale of electricity for motor vehicles	SB 756
income, interest and dividends	
exemption, elderly and disabled	HB 1148
exemption, losses under business finance authority equity investment program	HB 170
exemption, subchapter S corporation earnings	HB 1493
grantor trusts	SB 736am
inheritance, exemptions, joint ownership	SB 144
inventory blanks, local option to eliminate repealed; information	
required on timber cutting and boat storage and fees	HB 1279
land use change tax penalty assessment for land which changes more than	
once in ten years; reimbursement fund, distribution to certain municipalities	HB 570
liens	
for elderly and disabled, procedure after death of owner if property	
not redeemed by heirs	SB 688
payments, remittances, or redemptions, timely mailing exception repealed	HB 1127
meals and rooms	
groceries defined, sale excluded from taxable meal	HB 576
hospital exemption reinstated	HB 1424
temporary rate repealed	HB 1570
medicaid enhancement fund used to augment foundation aid	HB 491
pari-mutuel pools and distributions repealed; replaced by payment,	
percentage of yearly handle	HB 691
payment by credit card allowed	HB 591
pet products; to fund spay/neuter programs	HB 1549
property tax relief act	HB 616
quarterly billing and collection by municipalities	HB 239
rate for single family homeowners set by revenue administration commissioner	HB 1385
real estate transfer	
exemption clarified	SB 773
questionnaire filed with revenue administration; information on form	HB 1442
reappraisal of property, overdue tax payments, interest may be waived	HB 1351
refunds, claims filed within 120 days	HB 1493am
religious or charitable organizations which are tax exempt, property	
sold to or by, pro-rata share of taxes for the year	SB 596
tobacco	
stamps eliminated; returns; surety bonds	HB 1141
supplemental to fund kindergarten	HB 1520
towns, conversion to statutory semi-annual collection	SB 578
uniform statewide property tax for local tax relief and to equalize	
funding for education	HB 1584
unincorporated and unorganized places, revenue administration assessment and	
administration of forest conservation act, obsolete provisions repealed	SB 653
value added, imposed; various other taxes repealed	HB 1563
Teacher, state board of education member	HB 1354

Teachers

- allowance for those retired prior to July 1, 1957 HB 1183am
- evaluation program, remediation, termination HB 1542
- failure to be renominated
 - notification deadline changed; termination notice for elimination of position HB 1301
 - reasons clearly stated HB 1132
- retirement system
 - board of trustees, method of selecting HB 288
 - group I, additional service retirement option HB 1546
- termination procedures HB 1441

Technical institute, partnership with Concord Hospital to form Capital

- Wellness, Inc. SB 807

Telecommunications

- urging Congress to support consumer choice in cable television and telephone service HR 49am
- utilities, exempt from certain incorporation requirements HB 1263

Telephone and telegraph companies

- communications services tax repealed HB 1563
- Dunbarton Telephone Company service in Goffstown, investigation by PUC HB 1575
- telephone call record defined; access limited; penalties HB 1397
- urging Congress to support consumer choice in cable television and telephone service HR 49am
- wiretapping
 - emergency interceptions by law enforcement officers HB 1181
 - one party consent, certain victims of abuse SB 663
 - one party consent; criteria for admissibility, study HB 1303

Telephones

- disabling or blocking access to prevent report of a crime or bodily injury, penalty SB 517
- faxed documents legal validity, judicial council study HB 1369am
- harassment, purpose added; definition of communicates broadened to include
 - any method of transmission HB 1525
- or fax, emergency domestic violence temporary orders HB 1536
- solicitation act, disclosure required; listing of persons who do not wish to receive HB 544

Television

- cable
 - charge for more than one connection per residence prohibited HB 403
 - consumer choice in subscribing to channels HB 1393
 - consumer protection advisory board, regulation of rates and charges HB 1558
 - converter box, requirement limited; scrambling devices, conditions HB 1342
 - rates regulated by PUC and towns HB 350
 - urging assurance of widespread programming availability and retransmission consent HR 45
- house sessions and committee meetings televised, urging Speaker to study HR 48
- political advertising deleted from state election statutes HB 1161
- urging Congress to support consumer choice in cable and telephone service HR 49am

Terminal care document. See: Living will**Theme park, convention center, and casino, feasibility of establishing, study SB 793am****Thompson and Meserve's Purchase, moved from Lancaster to**

- Berlin-Gorham judicial district HB 1477

Thornton, I-93, construction of ramps SB 648**Tilton, US route 3, improvements and traffic signals at intersection with**

- Central Street and Clark Road HB 1268

Timber

- export of unprocessed logs, urging Congress to regulate in Eastern states SCR 10
- harvested from state owned forest land, export limited HB 1326
- inventory analysis; appropriation SB 655
- native, grading, certification, or stamping by registered mills, acceptance for
 - building construction; standards for graders; administrative fines HB 1468
- tax inventory blanks to require information regarding cutting and report of cut HB 1279
- yield tax repealed HB 1563

Timber wolves , release in NH prohibited	HB 1100
Time computation , statutory construction and elections, days included and excluded	HB 1238
Title insurance definitions; agents, licensing requirements; prohibited practices; penalties	HB 1334
Tobacco	
products, use in school zones prohibited	HB 1528
stamps eliminated; returns; surety bonds	HB 1141
tax	
repealed	HB 1563
supplemental, to fund kindergarten	HB 1520
Torr , Rep. Ann M., majority leader, remarks at close of session	1048
Town meeting	
10,000 or more population, special meeting called on petition of 5% of voters; all warrant articles considered before adjournment	HB 1443
matters of state or national concern may be on official ballot	SB 506
override of request for secret ballot or request to retake a vote, local option	HB 1375
proposed ordinances may be on official ballot used for election of officers	HB 1381
proxy voting allowed, local option	HB 1451
recount of secret written ballot to take place at same meeting that secret ballot was taken	HB 1222
use of official ballot; local option	HB 497
Town treasurer	
deputy, appointment	HB 410
payment of taxes and fees by credit card allowed	HB 591
Towns	
10,000 or more population, selectmen's authority to sell town land and adopt codes and ordinances; two hearings required	HB 1443
annual report, available 14 days before town meeting; map showing affected land and boundaries involved in proposed zoning ordinances or amendments	HB 1388
assessment/sales ratio study, annually, performed by revenue administration; appropriation	SB 543
central business service districts, more than one authorized	SB 528
chartered, with town council form of government, authority to issue bonds and notes	SB 537
Clean Air Act compliance, state aid	HB 1358
computer-based geographic information systems may be established; financing; fees	HB 1411
delinquent state obligations, interest charge	SB 735
elections. See: Elections	
eminent domain, land for conservation purposes	HB 1310
employees and officials, education and training by revenue administration department, revolving fund	SB 760
exempted from	
certain environmental services administrative fines	HB 678
environmental services fees	HB 676
general assistance administration not to deny aid to certain students	SB 753
group health insurance plans open to any resident at own expense	HB 1564
hazardous waste spills in rivers, notification to environmental services and downstream towns	HB 1496
highways	
class VI and private ways, maintenance of emergency lanes	HB 1474am
maintenance of certain municipal roads, referendum	HB 1526
industrial development authorities, development outside town allowed; multi-municipality authorities	SB 508
liability for riot damage repealed	SB 530
loans from water pollution control revolving loan fund, requirements	HB 1333
local government advisory committee	HB 370
officers	
breach of confidentiality a violation of oath of office, grounds for dismissal	HB 1186
notified of impending closing of manufactured housing parks	HB 1159
optional elected, procedure for discontinuance	HB 1206

Towns (cont.)**officers (cont.)**

positions incompatible with any county office	HB 1307
term limits prohibited	HB 1229
time for swearing in determined by local governing body	HB 410am
vacancies, next annual town election defined	HB 1206

ordinances

may require hunters to obtain permission to hunt on property owner's land	HB 1221
proposed, lands involved identified by understandable landmarks and street names	HB 1388
proposed, or amendments may be on official ballot used for election of officers	HB 1381
state legislation not to preempt unless such intent is expressly stated	HB 1365
violations, fines remitted to the municipality	HB 162
property tax relief	HB 616
recreation programs exempt from child day care licensing regulations	HB 1429
regulation of cable television rates	HB 350
revenue bonds, authentication requirements	SB 564
revenue returned to, included in operating budget; determination of amounts; formula for distribution	SB 234

selectmen

general fund balance sheet published; funds may be appropriated to reduce deficit	HB 1383
management of town real property	HB 1174
vacancy, town moderator may appoint suitable person to fill	HB 1259
solid waste disposal, contracts with facilities, terms	HB 1285
tax abatement applications, standard form; fee	SB 620
tax bills, information	
about tax relief included	SB 214
contained on expanded; other bills included in mailings	HB 1450
tax rate for single family homeowners set by revenue administration commissioner	HB 1385
tax sales or liens, environmental investigation; lien to remain in effect if municipality will not accept the deed	HB 1476am

taxes

conversion to statutory semi-annual collection	SB 578
inventory blanks, local option to eliminate repealed	HB 1279
quarterly billing and collection	HB 239
volunteers, workers' compensation coverage	HB 1329
water and sewer systems, ordinances and bylaws; assessments for construction and maintenance; separate funds from rentals	HB 1211am
zoning. See: Zoning	

Toxicologist, forensic, public health services, appointment SB 709am

Trade and commerce, rights to dies, molds, forms, and patterns SB 552

Trade port commission, merger of Pease development authority and port authority HB 442

Trail bikes. See: Off highway recreational vehicles

Trails, statewide system, DRED rights over abandoned railroad lines HB 190

Transportation

10 year plan for highways and bridges	HB 1010
commissioner	
highway and bridge betterment report, quantitative measures	HB 661am
outdoor advertising, permits to cut or remove vegetation, fee	SB 745
rental fees for motorist service signs on limited access highways, rulemaking	SB 752
responsibility for rest areas along highways transferred to vacation travel office director	HB 1197
to serve at the pleasure of the governor	HB 677
department	

Bedell state park access road upgrade; appropriation HB 1501

competitive bid may not be rejected because it includes the use of
asphalt pavement containing recycled rubber HB 1273

Eastern NH turnpike, design and construction of easterly approach
from Scammel bridge in Dover, appropriation HB 1518

Eastern NH turnpike, exit 6 redesign and reconstruction HB 1518am

Eastern NH turnpike, exit 6 redesign and reconstruction, funds allocated SB 781

Transportation (cont.)

Eastern NH turnpike, redesign between exits 11 and 16	HB 1488
equipment inventory fund appropriation; 10 year revenue bonds	SB 801
funds transferred from municipal bridge aid to highway aid bridge betterment program; highway surplus account and highway and bridge betterment, appropriation	SB 794am
I-93, Thornton, construction of ramps	SB 648
joint stewardship with DRED over abandoned railroad lines; lease revenues split	HB 190am
pilot program in Nashua testing alternate deicing methods on highways	SB 637am
railroads, class III rehabilitation, revolving loan fund; appropriation; bonds	SB 761
railroads, state properties on shore of public waters, private leases	HB 127
route 12 bypass around Troy and reconstruction of bridges over Connecticut River, appropriations	HB 647
route 51, Stratham, Exeter, and Hampton redesignated as route 101; appropriation	SB 644
sidewalk construction in Weirs Beach, appropriation	SB 766
Skyhaven airport, additional hangar facilities, appropriation, bonds	SB 792am
statewide mass transportation and air quality projects planning, advisory committee	HB 1367
Tri-Cothic road, Ellsworth, maintenance and plowing in winter	SB 764
US route 3, improvements and traffic signals at various intersections in Franklin and Tilton	HB 1268
US route 4 between NH route 108 and Scammel bridge, study	HB 1374
fund, for infrastructure not funded by highway fund	HB 257am
mass, statewide study, advisory committee	HB 1367
non-motorized, study	SB 634
programs for elderly and disabled adults, appropriation	SB 652
statewide intermodal improvement program	HB 1539
Trapping	
liability limited for injury to domestic animals	SB 529
use of lights to check traps and carrying firearms permitted	SB 569
snares, study	SB 567
Trash, trucks hauling, cover required	HB 1283
Treasurer, state	
deposit procedures for state agencies	HB 1345
to replace bank commissioner on retirement system board of trustees	HB 1290am
Tri-Cothic Road, Ellsworth, maintenance and plowing in winter by transportation department	SB 764
Trials	
de novo, pilot program eliminating in certain cases in Rockingham county appropriation lapse date extended	SB 598
option to elect jury trial, time extended	HB 1124
jurors, alternates may be excused by the court at the start of jury deliberations	SB 515am
victim/witness advocate, just cause required to place on witness list	HB 1191
Trombly, Rep. Rick A., Democratic leader, remarks	
at opening of session	3
on amendment to House rule 43(b)	96
on newspaper article regarding legislative members receiving money from the state	489-490
at close of session	1047
Trout, brook, state freshwater fish	SB 538am
Troy, route 12 bypass around, appropriation, bonds	HB 647
Trucks. See: Motor vehicles, trucks	
Trust companies	
investment committee alternatives	HB 1339
out of state, appointment as trustee or executor, reciprocity	HB 1203am
sale of notes, disclosure of sale price	HB 1344
Trust company incorporation board, appeals of denial of first mortgage banker license applications	
	HB 1142

United States	
Coast Guard	
approved personal flotation devices not required for American Water	
Ski Association events	HB 1509
equipment requirements for vessels and their tenders operating in tidal waters	HB 610
Congress	
members, term limits prohibited	HB 1311
members, terms limited	CACR 38
	SB 616
NH delegation urged to oppose NAFTA until protections are added	HCR 23
NH delegation urged to protect self determination for citizens	
of northern forest lands	HCR 31
NH delegation urged to vote against any retroactive federal tax	HCR 21
urged to authorize Eastern states to regulate the export of unprocessed logs	SCR 10
urged to pass the Federal Mandates Relief Act to provide for federal	
payments for federal mandates imposed on state and local governments	HJR 22
urged to include US route 2 in national highway system	HJR 20

United States (cont.)**Congress (cont.)**

urged to support consumer choice in cable television and telephone service	HR 49am
urging constitutional amendment to limit campaign spending and to require an unalterable, true record of proceedings	HCR 22
Constitution, 1979 (HCR 8) request for constitutional convention rescinded	HCR 26
government, ultimatum providing for dissolving the union if certain events are allowed to happen	HCR 28

University of NH

centennial year proclaimed	SJR 1
cooperative extension study	HB 1581
industrial research center name changed from industrial technology research and innovation center; grant-related services; short-term activities, no matching funds	SB 697
system	
research development fund	SB 703
training of state employees, study	SB 690

Upper Beach Pond, Wolfeboro, law changing name repealed	SB 553
--	---------------

V

Vacation travel office, director in charge of rest areas along state highways	HB 1197
Value added tax	HB 1563
Vandalism in safe school zones, penalties	HB 1528
Venison sales	
retail sellers license and reporting requirement removed	HB 1502
Virginia white-tailed deer, imported or propagated in state	SB 675
Vermont/NH solid waste district, financial crisis, study	HB 1390

Vessels. See: Boats**Veterans**

atomic, urging recognition by federal government, including disability benefits and a medal	HCR 27
cemetery, construction appropriation; oversight committee	HB 1523am
clubs, supplemental liquor license for 9 events, fee	SB 594
council, meetings; duties of director; state veterans' needs committee name changed to state veterans advisory committee	HB 1356
organizations, certain exempted from business enterprise tax	HB 1513
Purple Heart recipients, special number plates, heart displayed in actual color; exchange, fee	HB 1360

Veterinarians

ownership of pharmacy may be grounds for suspension of pharmacy permit	HB 496
participation in pet population control program	HB 1549
rabies vaccinations	
of cats, collection of companion animal population control fee	HB 1201
of dogs and cats, copy of certificate to town clerk	HB 1422

Victims

allowed to speak at sentence reduction or suspension hearings; victim/witness advocate, just cause required to place on witness list	HB 1191
assistance fund, eligibility of certain victims of sexual assault and immediate family of child victim	HB 1191
juvenile delinquents' case and court records, release of limited information; confidentiality	HB 1586
of sexual assault, HIV testing for persons convicted, notification of victim and victim/witness office	HB 1190

Video

gambling machines, legislative approval required	HB 1245
lottery games	SB 162
keno, authorized	HB 691

W

Wadsworth, Rep. Karen , decision to stand for position of House Clerk	1017
Walking disabled , parking, hanging placards for	
individuals or nonprofit agencies	HB 1378
nonprofit agencies	SB 523am
Warburton, Rep. Calvin , prayer	419
Washington's birthday , holiday name changed to Lincoln and Washington Day	HB 1407
Waste . See also: Hazardous waste; Sewage disposal; Solid waste disposal systems	
alternative, on-site composting and greywater systems, environmental services rulemaking	HB 1444
certain WSPCD rules must be prepared under supervision of licensed engineers	HB 1171
management	
solid waste planning districts requirements repealed, provision for continuance; contracts between towns	HB 1534
used oil collection centers; rulemaking	HB 260
treatment systems, innovative/alternative, WSPCD rulemaking removed	HB 1241
Water	
minimum flow required for sale of property including a building	HB 1425
pollution	
alternative waste disposal systems, on-site composting and greywater, environmental services rulemaking	HB 1444
control and treatment plant operators, municipalities exempted from fees	HB 676
control revolving loan fund, requirements for municipalities receiving loans	HB 1333
lead sinkers, sale and use limited	HB 1527
private supply, disclosure required prior to sale of property for use as a one to 4 family dwelling	HB 388am
public	
access advisory board, preliminary approval required before any construction of access areas	HB 1261
rights, declaration of policy; present and future use	HB 502
rights, study committee report filed in state library	HB 1413am

Water (cont.)

public (cont.)

supply, contact with water allowed at certain times when boating	HB 1240
quality, effects of phosphorus-based products on, study	HB 279
resources division	
acquisition of dams in Milton	HB 1162
administrative fines, municipalities exempted	HB 678
dams, condemnation and removal of abandoned dams	HB 1204
skiing, American Water Ski Association event, non-Coast Guard	
approved personal flotation devices allowed	HB 1509
supply and pollution control division	
affected abutters and towns notified of applications for major projects	HB 1494
certain sewage or waste disposal rules prepared under supervision	
of licensed engineers	HB 1171
planning boards to send copies of approved subdivision plans to;	
resubmission of amended plans, no additional fee	HB 1462
recreational camp redefined	HB 1103
recreational camp rulemaking clarified	SB 628
rulemaking for innovative/alternative wastewater treatment systems removed;	
exemption for subdivisions with lots of 5 acres or more removed	HB 1241
systems, municipal, ordinances and bylaws; assessments for construction	
and maintenance; separate water fund from water rentals	HB 1211
treatment plants, certification required for persons authorized to treat the water	HB 1250
Waterfowl stamp, fixing to license repealed; expiration date	HB 1440am

Waters

coastal beaches

defined, public access	SB 636
public use	HB 1257

hazardous waste spills in rivers, town to notify environmental services

and downstream towns	HB 1496
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public, state railroad properties on shore, private leases	HB 127
--	--------

shoreland protection, rivers added; definitions and references amended; effective date	SB 225
--	--------

tidal

Coast Guard equipment requirements; joint registration of vessel and its tender	HB 610am
excavating projects, port authority responsibility	SB 674
netting of fish, license and fee	HB 1440

Waumbek dam , Milton, acquisition by water resources division	HB 1162
--	---------

Weapons. See also: Firearms

crossbows, felonious use, penalty	HB 688
deadly, use in criminal threatening or reckless conduct, class B felony	HB 1134
self-defense, aerosol spray weapon defined, use against police or in	
committing a crime prohibited, penalty	HB 1236

Weights and measures provisions changed	HB 134
--	--------

Weirs Beach sidewalk construction	SB 766
--	--------

Welfare division. See: Human services**Wetlands**

board

permit for alteration of sand dune required; exceptions	SB 533
public members, compensation	SB 674am
definition of high tide modified	HB 154
scientists, regulated by natural scientists unit of environmental services department	HB 624

Wildlife

and marine resources department, name changed from fish and game

department, study	HB 1274am
management habitat stamps, purchase required with fish and game licenses; donations	HB 1475
timber wolves, release in NH prohibited	HB 1100

Wines

licensees, stocking and display provisions for retail establishments	HB 1336am
opened containers, transporting allowed, conditions	HB 377

- Winter Commission**, committee to implement findings HB 1379
- Wiretapping and eavesdropping**
 certain victims of abuse, interception of communications with one party's consent SB 663
 emergency interceptions by law enforcement officers HB 1181
 laws, study HBI 1
 one party consent; criteria for admissibility, study HB 1303
- Witnesses**
 fees paid by attorney general in criminal cases; travel allowance for
 ferries or toll bridges repealed HB 1335
 testimony, obsolete statutes repealed HB 1244am
 victim/witness advocate, just cause required to place on witness list HB 1191
- Wolf hybrids**, possession or release in NH prohibited; study HB 1100am
- Women**
 pregnant
 and their children, substance abusers, residential treatment program HB 459
 medicaid coverage increased SB 774am
 medical assistance, conflicting provision repealed SB 709
 treatment by courts in marital and domestic violence disputes, study HB 285
- Wood**
 building construction, use of native lumber graded, certified, or stamped
 by registered mills; standards for graders; administrative fines HB 1468
 sale of fuel wood or wood by-products by cord only, reference repealed HB 134
 small power plants using indigenous and renewable fuels, encouragement
 and support; considerations in rate plans; oversight committee to
 monitor renegotiations between small power producers and PSNH SB 790am
- Workers' compensation**
 assigned risk pool premium eliminated for certain employers; rate system, study HB 1508
 average weekly wage for temporary and permanent
 disability changed; managed care and safety amendments HB 1579
 total disability changed; safety standards committees; medical fees
 schedules based on best plan at lowest cost HB 1567
 corporation executive officers and limited liability company members,
 up to 3 excluded from coverage HB 1216
 insurance companies and self-insured employers, information disclosure
 to labor commissioner SB 649
 medical care to include period of disability resulting from replacement or
 repair of physical or surgical aids HB 1262
 municipal volunteers, coverage HB 1329
 police officers, recovery for injuries caused by wanton or wilful conduct of others HB 579
 public employee definition clarified to exclude county prison inmates
 and certain volunteers HB 1329am
 state employees managed care, payments, funding HB 1585am
 time while receiving benefits as creditable service for retirement system SB 669
 vocational rehabilitation providers, certification required; advisory board HB 1323

Y

- Youth development center**
 alternatives for secure commitment, study SB 784
 secure care bureau, name changed to residential services bureau; interest
 on residents' individual and pooled accounts, whose property HB 1543

Z

- Zoning**
 board of adjustment, motions for rehearing, time for decision and
 time for recording clarified HB 1410
 impact fees may be imposed on capital facilities of a cooperative or
 regional school district HB 1469
 ordinances
 family day care home a valid residential use HB 280
 or amendments, ballot questions, lands involved identified by
 understandable landmarks and street names HB 1388

